

TRANSCRIPT OF PROCEEDINGS  
AT THE PUBLIC INQUIRY

into

INCIDENT AT DUNBLANE PRIMARY  
SCHOOL on 13th MARCH, 1996

before

THE HON. LORD CULLEN

on

WEDNESDAY, 12th JUNE, 1996

within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

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.....

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I.

APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMY, Q.C., Advocate Depute, with Mr. J.C. LAKE, Advocate, for the Crown;

MR. C.M. CAMPBELL, Q.C., with MS. L. DUNLOP, Advocate, for the families of the deceased children, the families of the injured children, the children absent from class, Mrs. Harrild and Mrs. Blake;

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayor (deceased), and the Educational Institute of Scotland;

MR. M.S. STEPHEN, solicitor, Glasgow, for the Association of Head Teachers in Scotland, and Mr. Ronald Taylor (Headmaster);

Mr. M.S. JONES, Q.C., for Stirling Council and Others;

MR. J.A. TAYLOR, Solicitor Advocate, Edinburgh, for the Central Scotland Police;

THE DEAN OF FACULTY (Mr. A.R. Hardie, Q.C.) with MR. G.C. KAVANAGH, solicitor, Hughes Dowdall, Glasgow, for individual officers of the Scottish Police Federation, and Lothian and Borders Police.

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WEDNESDAY, 12th JUNE, 1996.

ELEVENTH DAY.

NORMAN JOHN LYNCH,

EXAMINATION CONTINUED BY MR. BONOMOY:

Mr. Lynch, one of the things you mentioned yesterday was the form that yourself had devised for making Force inquiries about criminal records and so on for applicants? - Yes.

And you have been good enough to bring that form with you this morning. A copy will be put in front of you, and copies circulated to everyone. Now, when was it you devised the form? - It was approximately December 1995. I had adapted it from a previous form.

And what was the purpose of introducing this? - Just to give a kind of more general picture on my own applications for renewals.

So do you issue one of these with every renewal application? - I have only started using them recently.

But as from now do you do it with all applications? - Only with my own renewal applications, yes.

Who does it go to in the Central Police Service? - The first entry would be signed by myself as coming in to me from the applicant. Then it would go into the Records Department, which does the PNC and SCRO checks, and then the Computer Section, which is further checks that can be made. I am not sure how in-depth they are.

Do you know what they are about? - I don't know. I imagine it would be for longer cases, from years back, where they could obtain more in-depth information that wasn't held on the PNC system.

Is that particular check one that you have put on just because you have seen it on another form, rather than because you have personal experience of how it operates? - I had an experience/

experience of a previous applicant who had drunk driving offences and they weren't detailed on the current PNC system, and any in-depth explaining how the offences came about. So the Records can elaborate on that.

Have you had any discussion with the Computer Section about how they ought to do this and what they ought to be looking for? - No. They would know themselves.

The next section? - Would be criminal intelligence checks, and then Special Branch.....

Does that mean it goes to the Criminal Intelligence section? - Yes.

Is that a section in Central Police that is always manned? - I couldn't say.

And can I take it it is for the Criminal Intelligence Officer to search for what he considers to be relevant material in respect of a firearms certificate renewal? - Yes.

And then Special Branch? - Yes.

Do you have Special Branch within your own Force Headquarters? - I think so -- I assume so.

You don't know that? - I don't know the persons that work in it, but it is internal mail it goes through.

And you expect them to provide what -- intelligence? - Well, if there are any reasons they may think that the person would be unfitted or unsuitable.

And then it has come full circle back to the firearms licensing? - It would come to us, and we would endorse it coming back into the Department.

Have you actually seen this in operation? - Well, I started using it late March, and I have had a few back, yes.

And have they been largely routine, producing nothing, or have you had signs on any of them/

them of effective production of information? - It is largely routine, but there has only been one drunk driver been highlighted, who had previous offences from 10 years ago.

And which of the sections brought up that material?  
- It would be the Records, PNC and SCRO. I also had to obtain a separate form from DVLA, which gives you in more detail the drunk driving convictions.

Obviously DVLA is something outwith your own force? - Yes. I have to request that.

In what circumstances do you actually check with DVLA? - I would request on a form, a DQ1, and they would ask for the person's name, date of birth, and they would then return back details of the offences they had committed.

MR. BONOMY: Sir, I think this form might be given a number. I am not sure where we have reached. It may be R34 -- no, I am told 36?

LORD CULLEN: 36 I think, yes.

MR. BONOMY: 36, then.

EXAMINATION CONTINUED BY MR. BONOMY:  
Now, yesterday when we finished I was going to proceed to the 1992 renewal, and if you could now have these documents in front of you which are D83 and D85, that is FA55 and FA56? Now, is D83 the application for renewal in 1992? - This? Yes, it is.

And you dealt with that renewal? - Yes, I did.

And just one or two features of the application first of all. If you go to the second page, Part B, there is a record there of the possession of two weapons, a Smith and Wesson revolver and a 9 mm Browning pistol? - Yes.

And that is followed by the section dealing the firearms he still wishes to acquire. Now, what were they at that time? - He still had permission to purchase or acquire a 7.62 rifle and a .22 rifle.

Yes, /

Yes, and another two on the other side as well? -  
The other two on the other side is the applicant requesting to purchase a .357 revolver and a 9 mm pistol.

And this is a new request? - Yes.

So we have got the two rifles continuing from the last time? - Yes.

And we have this new request? - Yes.

And I think we have seen that the authority to purchase the 7.62 rifle was sought about 10 years before the eventual incident at Dunblane? - Yes.

Is it common for someone to have an authority like that to purchase a weapon for 10 years without actually doing anything to put it into practice? - It is quite often common that they have outstanding authority. At the time I would point out that they hadn't purchased these weapons, and did they still require to retain that authority, as they would have to indicate it.

Do you remember doing that when you saw Hamilton in this case? - I don't remember actually doing it, but I always go through the application form with every applicant to make them fully aware of each section, so I would have spoken to him about it.

Can you remember anything of what you were told by him about this? - Well, he would have indicated at the time he would have retained them for Club use, as previously stated. Provided the Club still met the criteria for rifles as well as handguns, then he would be permitted to keep them.

Is it effectively simply a declaration he needs to make that he wants this rifle for target shooting and he is a member of a target shooting Club, and you will really ask no more questions about it? - Well, that is all he has to say, is...

That is all he has to say because that is basically your approach to it? I am not criticising you, but that is because that is your approach to it? - Well, I would probably ask the person/

person if they still intended to purchase them, and they would usually indicate yes or no.

It really does mean though, doesn't it, that there is no limit in practice on the time that an applicant should take to acquire any weapon that they have got authority to acquire? - There is no arbitrary limit applied.

Well, is it not more that there is no limit at all? - Well, there isn't according to the Guidelines, that is right.

So you obviously take the view that it is a good reason to get this authority that you simply want, over a period of 10 years, without doing anything about it, to acquire such a rifle? - Well, he may have had opportunities to acquire them through the Club, or at any time. There is no stipulation by which time they must be bought.

Now, if we move down to the ammunition section, he has to declare the amount of ammunition in his possession; is that right? - Yes.

And one of the quantities declared is 100 rounds of 7.62? - Yes.

Now, he has had this for a long time as well, if we look through the certificates. Should he have 7.62 ammunition when he doesn't have a 7.62 rifle? - He should have it if he has permission to purchase it on his certificate. As he never purchased a 7.62 rifle I can only assume, from the present application I was working with, rather than the files previously, that they had been obtained from the Club, possibly using a Club weapon, a 7.62 rifle; and he hadn't used the ammunition he had purchased or was given, and that had been taken away from the Club. That is the only reason I could give for that there.

But it wouldn't be unusual to see a person who simply wants to acquire a particular calibre of weapon actually being in possession of ammunition for that weapon before he got it? - That can be, yes.

Now, could you look please at the RL3a form? You have noted his good reason as "Target shooting/

shooting only at Stirling Rifle & Pistol Club". Now, is that "For target shooting, only at Stirling Rifle & Pistol Club", or is it "for target shooting only, at Stirling Rifle & Pistol Club"? - It could read both ways. I think at the time I meant "Target shooting only".

And the place he indicated he would do that was Stirling Rifle & Pistol Club? - Yes.

There was no indication given to you of an intention to seek membership of Callander in 1992? - No. Most of the Clubs have inter-club shoots, though, where they arrange various nights where they can shoot at different Clubs.

And are you conscious of having noted that he had not been acquiring commercially-produced ammunition? - I wasn't at the time, no.

Looking back at it is there not something odd about the large volumes of ammunition that were purchased in the years up to 1987, and then the gap from 1987 to 1992, when you are dealing with it, when there is no sign of any being purchased? - I wouldn't have had the large volume certificates that you are speaking of at the time of the application. I have only seen them lately, but I wouldn't have had that at the time of the renewal application.

If you had had them do you think that would have caused you to ask more detailed questions about the shooting he was doing, or would it have made no difference? - I wouldn't think it would have made much difference, because he still had quite a large amount of ammunition in his possession. He may have, for one reason or another, not have been shooting as often as what he was.

But people looking at the Dunblane tragedy might say there is some significance in the fact that a person isn't doing target shooting but has guns and a large quantity of ammunition at home, and that that is something that you ought to ask questions about in future? - That may well be, but there is no restriction on the ammunition he can have at home. That is not for us. That is for the Government.

No, /

No, but in the light of the Dunblane incident, do you not see that as a significant feature of Hamilton, that he wasn't, for a period, doing any shooting at target ranges -- possibly wasn't doing any shooting at target ranges, and yet he was in possession of weapons and a large quantity of ammunition? - Well, as you say, it is possible he wasn't doing it. I mean, he could have been supplied ammunition from various other people at the Club.

Yes. All I am suggesting though is if you had had the opportunity to see this pattern changing because you had the additional certificates from the past with you? - Yes.

It might have prompted more questions about why he needed to keep the pistols at all? - No.

It wouldn't? - I may have asked him why he wasn't shooting as often, if he wasn't shooting as often as he was in the past, and he may have given me sufficient reasons for it.

BY LORD CULLEN: Why would you ask that question? - Well, only, as the gentleman says there, he was asking me if I had seen the previous lapse in buying ammunition.

I am not quite clear. You say it is not your practice to see them, but you are being asked questions on the footing that you did see them for some reason. Would you in those circumstances have asked the sort of question you have just described? - Possibly.

And if so why? - Well, it would depend on -- if they didn't have as much ammunition as he had at the time I saw him, he would obviously not be buying any at all. But he already had a substantial amount, which I presume he didn't need to buy any more until these were used up.

But why would you have asked that question? - I don't know.

EXAMINATION CONTINUED BY MR. BONOMOY:  
You see in the application form we are dealing with he declares that he is in possession of 663 rounds of/

of 9 mm ammunition? - Yes.

Now, if you had had the old certificates and you could see the pattern whereby he was a person who bought commercially-produced ammunition, and bought it in fair quantities, and then stopped in 1987, and you are at 1992 dealing with the application, and you see he is still sitting with 663 rounds of 9 mm ammunition, would you not have wanted to know why this had happened? - Well, I may have asked him as he wasn't buying any, was he home-loading, or was he obtaining it from the Club.

But/

10.20 a.m.

But you don't know? You can't remember that? -  
Well, I don't know because it never happened at the time.

BY LORD CULLEN: I want to be clear. I mean, was it simply idle conversation with you or was it for a particular purpose that you might have asked that question? - It would be maybe for a particular purpose, if he wasn't using the guns or..... it is provided they meet all the criteria for club membership. There is no amount of shooting stipulated that they must do.

EXAMINATION CONTINUED BY MR. BONOMOY:  
Well, let's assume then that the answer to the question was "I haven't been shooting since 1987"? - Well, if he hadn't been shooting since 1987, provided he still met all the criteria he would have the opportunity to shoot.

What would his good reason then be for continuing to have a gun and ammunition? - If he was still a member of an approved club and at any time he could participate in that club.

And that is all? - Yes.

And whether or not he intended to shoot would be irrelevant? - Yes. It is up to him as an individual if he is going to shoot.

So we would have a situation then under the present regime that a person might declare to you no immediate intention to engage in target shooting but because he has already got a firearm and ammunition he would be left with it to do as he pleased? - If all the proper criteria was met, yes.

Well, that simply means that he has got a secure cabinet and he is of good character on the face of it and so on. That is what you mean by the proper criteria? - Yes, that is the criteria which we grant the certificate on.

Yes, because we have already removed the good reason in that situation. You have established good reason and you are looking at criteria/

criteria other than good reason? - Yes, as long as he is a member.

You did note in response to Question 6, the one about security..... well, you have noted the detail of his security and you were clearly happy with that? - Yes, the security was very good.

The RL3a form that we looked at is used in all Central Scotland Police firearms enquiries? - Yes.

Is it a national standard form or is it devised by your own Force? - I'm not 100 per cent but I think it is just a Force form. I think there are variations for other Scottish Forces.

Do you have any direct experience of the forms used by other Scottish Forces? - I have seen two from other Forces and they are not the same.

Are they more detailed or less satisfactory in your view? - I would say they are about the same.

Just slightly different? - Slightly different layout and format.

But achieving the same objective? - Yes.

The place that Hamilton declared he would be shooting in 1992 was Stirling. Can you remember whether you checked up on his membership in any way? - I would ask the applicant himself where they shoot and then when I received the paperwork back I would confirm it usually with the Club Secretary, that they were a full member of the club.

Is it your practice to actually check with the Secretary? - Yes.

You don't just go by the lists of members that you have in the police station? - No, these lists were only obtained recently at our request, the Firearms Department.

BY LORD CULLEN: Do some clubs issue membership cards or the like? - Some do but someone/

someone could be a member of a club and they maybe have not..... they usually pay a subscription every year to the club and they could fall away from the club and they have not paid their dues and the club would consider them as possibly not still being a member so that really has to be affirmed every time.

So the card in itself would not be enough? - It is an indication they are or were a member of a club but you are always better to check with the club itself.

EXAMINATION CONTINUED BY MR. BONOMOY:  
Now, I am right in saying that all these checks that you do on the applicant and his security are done before he actually fills in the form? - Yes.

And you don't in practice go back and check again once the form comes in? - No, there is no need to unless the security was inadequate. Then I would arrange to go back and re-inspect the security.

In Central Scotland Police do all renewals, and by that I mean the ones you do and the ones that are the subject of beat police officers' enquiries, do all renewals result in a personal visit from a member of staff of Central Scotland Police to the home of the applicant? - Yes.

Do you know of Forces in which some renewals are handled by post? - Yes, I think Lothian and Borders are currently the only Police Force in Scotland that do postal renewals.

Is that experimental? - I don't think so now. I think they are quite happy with that.

Are there plans for Central to do it that way? - There was an HMI report that suggests that every Force should go postal but our Chief Constable and Depute Chief Constable would rather keep it the way it was.

Is that the inspection report you are talking about?  
- Yes.

The inspection by Her Majesty's Chief Inspector of Constabulary? - Yes.

Which/

Which I think is in draft form rather than a finalised document? - Yes.

Now, having completed RL3a, where do you send it? - The RL3a with the application and the photographs is then submitted to my colleague, Maureen Johnson, in Firearms Licensing.

What did she do with them? - She would check off the details on the form with the computer records and the file and previous applications would be in the file, the certificate would be processed with any variations made to it and then it would be sent to the Inspector or Chief Inspector of her Department.

Now, that sounds like a clerical exercise, is that right? - Yes.

And then it goes to? - It would go to the Inspector and Chief Inspector.

Now, the Inspector and Chief Inspector are in the Chief Constable's staff office? - They are at the moment, yes.

One of them has signed this RL3a? - Yes.

Who was it? - Ian MacKenzie. At the time, though, Ian MacKenzie was not in the Chief Constable's staff office. It wasn't formed at that time.

He was in charge of firearms though, was he? - Administration and firearms licensing, yes.

From him where did the form go? - It would go to the Depute Chief Constable or the Chief Constable for signing.

Can you have D87L which is FA something or other? I think we have had it already. It is the firearms certificate for 1992. That is the actual certificate that was issued following this enquiry? - Yes.

It is not actually signed by either the Chief Constable or the Depute Chief Constable? - It is Mr. John Adamson.

What/

What was his position? - I think he was a Superintendent at the time.

And I think it is stamped 19th February 1992? - Yes.

Why would he come to sign it? - I can only assume that either the Depute Chief Constable or the Chief Constable were on holiday or were not available and he was standing in for them.

Do you know from experience what material a person signing a certificate has in front of him before finally deciding to sign it? - I am sorry, I don't understand.

Well, does the Depute Chief Constable or whoever is doing this simply have the RL3a and the application and a blank firearms certificate to be signed or does he have more material? - I wouldn't know. I have never actually seen that.

So you have not participated in that? - No, I have never seen what has been presented to the Chief Officers.

Have you on occasions expressed a gut feeling on one of these RL3a forms before submitting to the Depute Chief? - I have, yes.

What sort of thing, without giving me chapter and verse, would give rise to you expressing a gut feeling? - Persons with previous drink driving offences and who were slightly intoxicated when I spoke to them.

That is a bit more than gut feeling? - Well, those are.....

Well, have you ever had a situation where you can't put your finger on something specifically but you have got a feeling that the person is not a suitable person to have a firearms certificate? Have you ever been in that position? - No, I have refused them in the past for not being members of a club.

Yes, these are tangible things. Even drunk driving or being under the influence when you speak to them is fairly tangible? - Well, I have never/

never actually had any gut feeling.

So is there anything at all you can remember about the enquiry into Hamilton that made you hesitate about recommending the grant of the application? - None at all.

And effectively you did recommend the grant, is that right? - Yes, that is correct.

Is there also a move afoot or has there been a move afoot to give civilian officers like yourself more power than simply the power to recommend the grant? - It was recommended by Her Majesty's Inspectorate.

That you should do what? - That the civilians that are working the actual system should be the persons responsible for issuing and granting certificates and the signing of them.

Now, I asked you some questions yesterday about your experience particularly in the gun shop? - Yes.

Are you also a marksman? - I am a fair shot but I am not a marksman.

Have you been in the past the member of a shooting club? - I am a member of Central Scotland Police Club.

But prior to that were you a member of a local club of any kind? - No.

As a marksman have you some knowledge of the types of activities that handgun owners engage in at clubs? - I can only assume that they are the same as our club. The idea of a club is that we practise different disciplines to possibly compete with other clubs or at an annual event called Bisley.

Now, do you shoot against other clubs? - I don't as yet. I am not proficient enough.

Is participation something you only began since joining Central Scotland Police? - Since October of last year I joined the club.

So/

So prior to that what knowledge did you have of competitive shooting or target shooting in general among club members? - Well, I gained a lot of experience in the gun trade as such with persons coming into the shop. I mean, there were a lot of handgun shooters like myself that also did sporting shooting so you do meet a large section of people.

Are you in a position now to discuss with applicants the types of disciplines that they are intending to engage in and make a judgment about how many weapons they will need because of the different disciplines that they plan to compete in? - I can discuss different disciplines with them, yes. As I said yesterday, there is slightly over 50 different disciplines that a person can compete in if they wish to. I am not saying it would but if a person wished to compete in every discipline it could require 25 different weapons.

Even if there was no particular discipline involved but a person said to you "Well, I have got this particular 9mm pistol because I find it particularly good for accuracy and I have got this other one because I find that if it is a competition where I have to fire quickly I can load this one more quickly and complete the exercise more quickly and I would like to do these two different things, largely on my own or with other club members who happen to be there", would that be a good enough reason to have these two weapons? - That is partly good reason but they would both load to the same extent and probably discharge and fire the bullet to the same speed. The sights and the handgrips would be probably the most differences between them. There is certain disciplines where you have to use fixed sight weapons and other ones where you are allowed to use adjustable sight weapons with telescopic sights on them as well so they can be set up differently and be different types of handgun shooting.

Now, if I said to you "I just like to do that at the club and I like to do it on my own and find out how I manage with the two weapons or if there are other people I would like to do it that way", that would be good enough reason? - I would expect you to say if you would like two of the same then give me a reasonable explanation why.

"I/

"I just like to do shooting with two different guns and see what the different results are". Is that a good enough reason?  
- If they are entirely different and handle different, yes.

What if they are more or less identical Browning pistols? - Well, again with semi-automatic pistols they can jam so that is another thing as well.

So you would help me out and give me good reason for having two? - Well, if they came forward with that.

We have heard evidence about two Brownings that Hamilton had and one of them was particularly sensitive so that even in the loading process you could accidentally fire the gun, it was so sensitive, whereas the other one was standard. Would that difference between the two weapons indicate that he might have them for two different types of activity? - As far as I understand it, the trigger pressure has to be a set poundage. I'm not sure which poundage but they are all checked at competition so that no one has got an unfair advantage as far as I understand it.

So in the end of the day, what is the good reason for Hamilton having permission to possess and permission to acquire 9mm Brownings? - Well, it may have been a standard production model with, as I say, fixed sights or adjustable sights or telescopic sights or different handgrips. That is the different disciplines that they have to meet.

If I can go briefly back to the form you gave us this morning. Do you have access directly in your Department at Police Headquarters to the Scottish Criminal Records? - No.

Do you have access directly from your office to the Police National Computer? - No.

But you are now entitled to access them yourself? -  
I am, yes.

Does that mean you have to go to somebody else's terminal in another Department to get access? - Yes.

Is/

Is that easily done or do you have to queue up in some way to get use of the terminal? - No, it is relatively easy to do.

Would it be an advantage to have a terminal of your own? - I was offered a terminal of my own but the amount of work that I go through would not have justified having a full-time terminal dedicated to me.

Is there a plan in the Force to add another member of staff like yourself? - There was always a proposal to employ a second firearms examiner but finances have not allowed it.

That is the plan, though? - If they ever have the finance I would imagine they would still do it.

Would a second firearms examiner make up a big enough complement for the two of you to do all new applications, renewals and variations throughout the whole of the Force area? - It probably would, yes.

BY LORD CULLEN: Can I just ask you on that point; you not only carry out examinations in the sense of going out to examine particular applications but you also have a role within the Department itself, is that right? - Well, I have to stand in for my colleague when she is on holiday.

So is some part of your time set aside for Departmental work as opposed to going out and about? - A small portion, yes.

And only one person would be required for that particular purpose? - Yes.

EXAMINATION CONTINUED BY MR. BONOMY:  
Do you think that your approach to renewals is different in any way from the approach of the Force generally to new applications? - On new applications we require written submissions from the applicant, whether it be for clubs or sports use, and the renewal is slightly different. It is affirmed every time rather than a written submission being submitted every time it is due on the renewal. That is mostly the main difference.

What/

What about the situation where permission has been given to acquire a weapon and the renewal comes along, as distinct from a situation where at renewal a request is being made to add a new weapon? Do you think it is easier to refuse to add a weapon than to take off the weapon which has already been authorised? - Easier to add it?

Yes/

10.40 a.m.

Yes, does the approach of the Force make it easier for a person who has already got the authority to keep it than for the person who wants authority for an additional one to get it? - I wouldn't say there is a difference made.

You were never told during the period you were being trained for this that it was very difficult to remove from a certificate that which had already been granted? - Well, I have because it is obvious from reading the legislation that it is.

Why should that be if exactly the same test applies for renewal as applies in the case of a new application? - Well, I presume because it has been previously granted and the person would be entitled to appeal if it was removed, if the police had been unjustified in removing it.

Now, do you play any part in the training of police officers? - Recently my colleague and I Maureen have recently started giving instruction to probationary officers. They serve 18 months of a probationary period and then they come to Headquarters for various departments to give them input, and I give them firearms licensing input.

What sort of things do you deal with in the course of this input? - We explain -- well -- Maureen explains the procedures for renewal and the grant of firearms, shotgun certificates, and I mainly explain the difference between firearms, shotgun identification, between different types and classifications.

So she is the one that tells them how to go about an enquiry using an RL3a form? - Yes.

Because you are a civilian are there any powers you don't have that other police officers carrying out the same enquiry do have? - Yes. I wouldn't be permitted to charge a person, say they had been committing an offence.

Anything else? - Registered firearm dealers -- I am not permitted to enter and inspect the premises; that must be a police officer.

That/

That is because of legislation to that effect? - Yes indeed. A police officer accompanies me when we do go to registered firearm dealers. I can't go in on my own. I think that is about all.

Is there any problem about you actually possessing or handling weapons in the course of the job because you are not a policeman? - No, I am permitted. There was something changed in recent legislation.

That used to be a problem? - Yes.

If I can go back to the two Browning pistols just to be clear on this. In fact, you might have in front of you document R7, the ballistics report. It is in a number of sections. If you go to almost three-quarters of the way to the back there is a report which is headed "Tayside Police Identification Branch Joint Report". It is not numbered and I can't help you any more with that. If you go to page eight of that report you will see a description of the third and fourth weapons which were the two Brownings? - Yes.

And you see it says, "The third item was a self-loading, magazine fed, pistol of Belgian manufacture chambered for 9mm Luger centre fire cartridges. This was a custom built, competition target pistol, having an extended barrel with a barrel weight, fixed to the extended barrel cover, for balance. This weight would appear to be missing and a custom-built foresight put in its place. The hammer spur had been removed and ground down to a smooth finish. Due to its manufacture as a competition pistol, the magazine safety had not been incorporated within the weapon with the result that the gun could be fired without the magazine being in place. Normally, in standard models, when a magazine is taken out a spring-loaded safety lever is forced out into the magazine well: this lever is linked to the trigger lever and forces it forward from beneath the tail of the sear-lever. Thus when the magazine is removed and a cartridge is left in the chamber, the pistol cannot be inadvertently discharged and the magazine must be replaced before firing is possible. This type of weapon, when fully loaded, normally has a holding capacity of 14 shots -- 13 in the box type magazine which fits into the butt/handle/

butt/handle and one in the chamber. The gun was in good outward condition, and when fitted with a magazine, was found to be in full working order. Another feature of this type of competition gun is the minimum pressure on the trigger required to fire it (sensitised trigger fitted during manufacture)"? - Yes.

If you look at the bottom of the page you will see another self-loading Browning chambered for the same cartridges, standard model, fitted with a magazine safety device. The registered number of that one is PZ69756. From the firearms certificate you will see that is the one he actually had when you went to his house? - Yes.

Now, why would someone get authority for these two separate weapons? - Well, the one he had on this, going from the description here, would appear to have been a standard 9mm. There is a discipline called "Police Pistol 2" for semi-automatic weapons where he could have participated with that weapon with the standard adjustable sight and what not. There is a specific discipline -- I can't remember the exact name of it -- but there is a specific discipline for another classification of Browning pistols which would require the other type.

What sort of discipline would that be? - Well, it is a certain classification for the competition pistol but I don't know the exact detail myself. I had never seen the second pistol he purchased.

Once he has got authority as long as it fits the bill of being a 9mm Browning he can get any kind of Browning? - He could have.

In fact, he could have got one absolutely identical to the one he had? - He could have, yes.

CROSS-EXAMINED BY MISS DUNLOP: You told us yesterday that you dealt with renewals but not grants? - Yes.

Is that because a first time applicant for a firearms certificate is considered to require closer scrutiny than somebody who is already a holder? - Yes. I would imagine a lot of local knowledge of the police, that is required for input/

input to grant.

So if we imagine you dealing with an existing firearms certificate holder who is renewing his certificate and keeping the same guns on his certificate, might you tend to assume that the reason he gave for having those guns the last time is still a good reason. This is the same reason as he is giving to you? - Well, the handguns had been granted -- well, I assumed that when I did see him, but previously the two rifles he had been permitted to have, I would have re-affirmed the need for them.

But the hypothesis I was putting was somebody coming forward with a firearms certificate for perhaps four guns which he had or owned, and all they are doing is seeking renewal, they are giving the same reason, it is the same guns, would you tend to assume that what held true last time continues to hold true? - It would be verified at the time of renewal.

If they had been considered to be a fit person to have those guns the last time might you tend to assume on finding no information about convictions and so on, might you tend to assume they were still a fit person? - You would, yes.

You told us about the checks you carried out with criminal intelligence and we see from your form this is one of the boxes that is ticked. Yesterday you explained that this is not something done by you directly. Can I ask you, is that because you are not trained to do that or are you actually denied access to Intelligence records? - I am not trained to do that.

So that there is nothing that you are aware of that says you can't have access, it is just like.....? - I think there is an intention for everybody in the Force to have access. We are having a new computerised system installed at the moment and hopefully once it is all linked up we will be able to access that ourselves once we are trained.

Just tell me if you don't know the answer to the question, but is there any kind of rule that says that you can't have access to the intelligence records? - Not to my knowledge, no.

So/

So it is just a question of training, and once you get the training.....? - Yes.

The document that you have shown us which contains the boxes for amongst others Criminal Intelligence, Police National Computer, SCRO has a column headed "Result": if something is found will the person making the search tell you in every case what they have found or might they write "Nothing adverse" or "Nothing to prevent grant of the firearms certificate"? - They would usually write "No trace" or "Negative result". If they identified -- in the case of the one the Records Department sent a spool in from their department indicating what they had seen on a trace of the person and that was attached to the document.

If they had seen anything they might say something like "Nothing to prevent grant of firearms certificate"? - They wouldn't write that, no.

If they found anything at all they will tell you what they have found? - Yes.

Do you then make a judgement as to whether what they had found ought to have some implication for the person's firearms certificate? - I would then elaborate on it with the person who had found that out and depending on the line manager they may request them to follow up with an AD2A which is the in-depth report into their findings, and that would be submitted.

Let's take the intelligence records as an example: if what had been found was some intelligence report which didn't mention firearms at all, is that something you would always discuss with somebody senior to you, or may you say to yourself this is not sufficiently important or relevant? - I would usually bring it to the line manager's attention.

Usually or always? - Always, because this has only happened this once with firearms, and that was brought to the line manager's attention.

When you started working did you get any instruction about following that course of conduct, to say when something came up.....? - The prescribed form we use does decide this, the standard/

standard form for renewals. The enquiry officer himself is requested to undertake physically whether there is a trace or no trace. If something is attached to the spool copy we use it from the Records Department and submit it to line management. The information may already be on file. It is decided from there whether to look further into it.

A check on the Police National Computer and the Scottish Criminal Records Office -- are you aware whether or not that would disclose road traffic convictions? - I have been told that some -- there are some that stay on for quite a long time but I am aware that certain road traffic offences only stay on for a three month period and then fall off for some reason.

Do all road traffic convictions make it on to the SCRO? - I honestly can't comment on that. I don't know.

What about minor convictions. I am not speaking about road traffic convictions, I am just speaking about something like breach of the peace or something like that. Will that always be put on the SCRO? - If the police were involved I would imagine it would be. It would probably be highlighted as pending.

Might there be a conviction for breach of the peace which didn't involve the police? - I don't know.

Can I ask you a little bit more about the number of different disciplines which exist. You said that someone could require 25 different weapons to participate in all these disciplines; is that correct? - They could apply -- I wouldn't like to say whether they would be granted permission for 25 weapons -- but they could apply.

I would like to explore that a little bit with you. If I came to you and I told you that there are no constraints of time or money on what I could spend on shooting and I want to acquire these 25 different weapons, can you see any reason to say No? - Due to the fact of the amount you are applying for you would probably be put -- if you can justify having them it would be difficult to refuse. You can appeal against it, the Chief Constable's decision./

decision. That has never happened as yet.

If you can just imagine if I say to you 'I have got unlimited amounts of time and money to spend on shooting, shooting two evenings a week and a day at the weekend', there wouldn't in the end of the day be anything that you could do to stop me getting permission for these 25; is that so? - We could refuse but at the end of the day you could take us to Court and under the current legislation probably win your case.

And/

11.00 a.m.

And so when I come to you with my request you are going to be influenced by the thought that I might appeal and be successful? - Well, possibly, but that is not for me to decide.

And taking it a little further, if I have explained to you that I want a number like 25 guns, and I then say to you that I know from my own experience that handguns can jam, and that I would like to have spares for some or all of these guns, it follows from what you have said about the need for some people to have spares that you would accept that as a good reason to have the duplicate guns, would you? - There is not as many disciplines for semi-automatic weapons as what there is for revolvers and the rifles that are used.

So how many disciplines are there, just roughly, for semi-automatic? - I am not really sure. I have never really examined this.

So if I said to you I want my 25 guns and that there are 10 disciplines for semi-automatic weapons so I would like to have 10 spares for these, then you would presumably take what I am telling you on trust and recommend that I have the 10 spares as well, would you? - Well, it would probably be looked into due to the volume of guns and also their security as well, that amount of guns would be taken into -- you are probably getting near to what they call a dealership with that amount of weapons, so....

Well, if there is no suggestion that I am selling them. I am keeping them all, and my security.....? - Well, I was meaning for security arrangements, so there could be different considerations made regarding the amount of weapons.

But providing I can demonstrate very good security arrangements for that number of weapons, there would be nothing in theory to stop me from succeeding with that application? - Under the current legislation, no.

Turning to ammunition, you gave some evidence yesterday about people being entitled to seek and obtain permission to have 1,500 rounds of ammunition/

ammunition for each gun -- that is correct? - Yes.

So if I have, following this hypothesis through -- if I have explained to you why I need to have my 25 guns and 10 spares, could I then have 1,500 rounds of ammunition for each of these guns? - No, I wouldn't say so. I mean, you can only shoot so many guns at any one time, so it is unlikely you would need 1,500 rounds for every gun.

What would you have in your own mind as a limit that you might place upon me in that situation? You have told us that there are no arbitrary limits? - That is right, there isn't. I wouldn't imagine any persons would need any more than that amount, to shoot competitions.

Well, than, what amount -- 1,500 per gun? - Well, 1,500 -- if it was for three calibres, say, 1,500 per calibre, but not per gun.

I think you are going to have to help me with that? - Well, Mr. Hamilton had two 9 mm handguns. He didn't need permission for 1,500 bullets for each handgun, it was only 1,500 bullets in total for both guns.

Yes, but I am really asking you about this more general example of somebody who says they want 25 guns in order to participate in as many disciplines as there are? - Yes.

What sort of quantities of ammunition could they obtain for that? - Well, they could apply for whatever amounts they saw fit, that they may think they need, but whether they would be granted that would be a different issue.

You have said several times there are no arbitrary limits on things like quantities of ammunition? - Yes.

But do you ever impose what you consider to be a justified limit? - I wouldn't like to let people go to excess. I mean, if they were shooting target shoots, sporting shoots, or vermin problems, they wouldn't require an excessive quantity of ammunition.

Well, what is an excessive quantity of ammunition?/

ammunition? - It depends on the individual. Myself personally, I only shoot 200 rounds maximum a week for target shooting, but someone might shoot more. I don't have the opportunity to shoot as often as I would like, so it really depends on each individual.

If the person has an amount of ammunition for each calibre, what would be an excessive quantity of ammunition for each calibre? - I would say once you start maybe going into three, four, five, six thousand you then, depending on the level of security, you then have problems with larger amounts. As far as I know there is set amounts of ammunition, and there are Council regulations as well, that persons can't keep for fire purposes. You have all these considerations for large amounts of ammunition.

Just finally on my example of somebody perhaps wanting 25 different guns for 50 or so disciplines, how many different calibres would he be talking about? - Again I am not too sure. It could be possibly 15 -- I would need to have -- there is a document produced every year by Bisley, if you are in the National Pistol Association, and it explains all the disciplines and the type of weapons that are required to compete in them. So I really couldn't say for sure.

But if you are right in your estimate, and in my 25 guns there will be something like 15 different calibres, but an excessive quantity of ammunition for each different calibre wouldn't be reached until I was asking for three, four, five or six thousand, then perhaps if I said I wanted two and half thousand for each of these different calibres, then I could get that, provided I told you I was doing a lot of shooting? - If you could show you were going to be using it, then you could apply for it, but it may or may not be granted in the end of the day.

But if I tell you I am in one, two or three Clubs, and do a lot of shooting, then you can envisage a situation where I may get that? - You could apply for it, and you may be granted it, yes.

The different disciplines -- you were asked yesterday some questions about having a 4 inch barrel/

barrel revolver and a 6 inch barrel revolver; do you remember that?  
- Yes.

And you weren't very sure of the different disciplines one would be using these weapons in. If I applied for permission to have a 4 inch barrel revolver and a 6 inch barrel revolver and you said to me "What different disciplines are involved?", and I gave you an answer, you would just have to take that answer on trust, because you don't have the personal knowledge about those different disciplines; is that correct? - Well, you would usually indicate what they were for, and in the years that I have been working with firearms, as well as in the gun trade, I would know whether you were just saying it for the sake of it.

You would know if the answer I was giving to that sounded right or not? - Yes.

Yesterday you told us that it is not necessary to be a member of a Club to shoot at Bisley? - That is right.

It is necessary however to be in a Club to obtain a firearm certificate for target shooting; isn't that right? - Yes.

What puzzles me then is, if I am not a member of a Club, where do I get the weapons with which I shoot at Bisley? - Well, you can be -- it could be rifles that you have, a sporting rifle. I mean, you can use sporting rifles. If you had a personal firearm certificate, and say you were a member of a Club, we are saying because -- the Club certificate, I am referring to more so. We only recognise a Home Office-approved Club as receiving a firearm certificate from the police; but individuals who have their own personal firearm certificate within that Club can also, if they wish, set themselves up as a Club, not necessarily Home-Office approved, which we wouldn't recognise.

I am not sure that I quite understand this. Your answer yesterday was that it was not necessary to be a member of a gun Club to shoot at Bisley; do you remember that? - Well, I think I said that they didn't -- you would have to have a firearm certificate, and if you had a handgun, the person should be a member of some Home Office- approved/

approved Club, wherever it be in the country. But they can participate as an individual, not necessarily represented by the Club, at Bisley. They don't have to turn up with the Club and say "We are shooting as a Club". They can participate as an individual.

So what you were talking about yesterday was the possibility of shooting at Bisley as a member of a non-Home Office-approved Club; is that what you meant? - No. They could be shooting as an individual. I personally don't have intentions to shoot at Bisley. Not every Club may shoot at that kind of competition level at Bisley. That is up to them as individuals. But if there was an individual in that Club who felt he was proficient enough and wanted to shoot at Bisley, he could go and shoot as an individual rather than as the Club.

When you considered Mr. Hamilton's renewal in 1992, I would like to be quite clear about what documentation was available to you. You would obviously have his application form? - Yes.

And you told us yesterday that you would have his immediately preceding certificate? - He would have had that -- he would have had his current certificate in his possession.

But you would see that at some point? - Yes.

You would see it when you went to visit him; is that right? - Yes.

So the sequence of events is you go to visit him, you see his current certificate, and then he fills in the form, and when you come to consider the renewal of his certificate all you have is the form and your recollection of what was on his last certificate? - Yes, and I also have an A4-sized sheet on which I take down various details when I am speaking with the applicant as well.

But in terms of the history of his shooting, what documentation do you have? - How do you mean -- how often he shoots?

Well, what is on his file at that point? - I wouldn't have access to his file at that point. I/

I would only be dealing with the renewal papers I have. The file is later submitted to the Chief Inspector.

So that you have his application form in front of you and the RL3a you had -- is that right? - Yes.

And your handwritten notes from your meeting with him? - Yes.

That is the only documentation that you have? - Yes.

And then you carried out the checks of SCRO and intelligence and so on, or you asked someone else to carry out those checks? - Yes.

So when does the file make an appearance? - The file -- once I had put the application to my colleague for processing she would withdraw the file together with the application, for processing.

But by that time you have answered the questions on the RL3a, have you? - Yes.

How would you discover a piece of information such as that the applicant had been attending his doctor for a psychiatric problem? - It would depend if the applicant had been truthful on the declaration on the form where he has to indicate mental disorder, epilepsy, previous convictions. That is a declaration that the applicant has to sign.

What about something else that might have changed, say, since his last renewal -- perhaps difficult domestic circumstances, something like that? Would that be something that you would find out, or would it possibly be something that would never emerge? - It would depend on whether that had been reported to the police or not, and inquiries had been made about it.

You wouldn't enquire about something like that yourself, though? - Well, I wouldn't know to inquire about it if it hadn't been brought to our attention.

You/

You told us this morning that you have never seen all the documentation as presented to the Chief Officer, or whoever is signing the firearms certificate? - That is right.

Does it follow from that that you have never been summoned to a Chief Officer to explain or elaborate on any aspect of a firearm certificate being renewed? - There may have been the odd time maybe the Chief Inspector has called me through and asked -- I am trying to give you an example -- maybe address amendments, or lack of notification of change of address, say for example, and that is about that, really. I think it is only the certificate, once it has left the Chief Inspector, that goes forward for signing. I think it is the certificate that goes forward.

Can you actually recall any incident where you have been asked to clarify or explain something in a firearm certificate renewal? - Not particularly, other than on a minor change of address, or non-notification of transactions of guns -- other than that.....

So you have an actual recollection of being asked to clarify things like that? - Yes.

But nothing any more substantive? - No.

When you are looking at the application form and your handwritten notes and the RL3a, does it follow that at that point you would not know of any recommendation that another officer in the force had made at some point that this person's certificate be revoked? - Not unless it was in the file, or if it had been brought to our attention.

But you said at the initial stage before your colleague looked out the file you wouldn't have what was in the file anyway? - No -- well, if something had been previously submitted to the Department it would previously have been dealt with, I presume.

It would just have been part of the history? - Well, if no proceedings were taken, yes.

Now,/

Now, you were asked about proposals for change that have been made, and my recollection of your answer was that there is a recommendation that civilians, as you are, should be responsible for issuing and granting firearms certificates. Would you be happy if you were given that responsibility? - No.

CROSS-EXAMINED BY MR. GIBB: Can you assist us as to what the cost is for a new application? - For a firearm certificate application?

Yes? - It is currently £56 for a grant.

Can you tell me what it is for a variation? - A paid variation would be £26.

And a renewal? - A renewal is £46.

£46. How quickly could you deal with a variation? - Well, as I explained yesterday, there is two types. There is a one-for-one variation where a person would maybe relinquish.....

Yes? - And that can be done within three to four days usually. If a variation was received where it was paid, if it was different lands, say, for example.....

Well, let us say it was the purchase of a new weapon? - Well, that is what I am leading to. If it needed further inquiry, if it was a paid variation it would go out to operational police officers for inquiry to be made. So that could take as long as five weeks.

If someone had an intention, and had found a weapon they wanted to purchase, presumably there is no reason why the seller couldn't retain the weapon pending the application for variation, so that the purchaser could then take possession of the weapon? - Yes, that is correct.

Because, you see, we have heard a lot of evidence -- and you were asked by Mr. Bonomy -- about Paragraph 17 on the application where Mr. Hamilton, certainly for many years, had an intention to purchase a 7.62 rifle, but had never bought it? - Yes.

And/

And it has been suggested by earlier witnesses that the purpose for that would be that if a weapon became available it would avoid the necessity of seeking a variation before purchasing; but you say only some five to six weeks would be needed, even for a full variation? - For a variation, but that would also be on the certificate.

Yes, /

11.20 a.m.

Yes, let's assume that that category is removed from the certificates and you have now got to apply. You think it could be done in five to six weeks? - It probably could, yes.

Now, you said I think that you don't get the previous applications or the previous certificates. You only get the certificate that is about to expire? - Yes.

Do you go back and check the earlier records? - No.

So you would not for instance have known that Hamilton had had permission to purchase a 7.62 rifle for many years and had not done it? - No.

That would not come to your attention? - No.

I think also that the only club you were aware of that Hamilton was a member of was the Stirling Club? - Yes.

You knew nothing about Callander? - No.

And I think you indicated that you would have contacted Mr. Crawford, the Secretary of the Stirling Club? - Yes.

And I think we have heard evidence from Mr. Crawford and probably all you would ask Mr. Crawford was whether Mr. Hamilton was a member? - I would have asked if he was a full member of the club.

That would be all? - Yes.

If you had asked more and if for instance you had been told that Mr. Hamilton only shot three or four times a year, would that in itself have changed your attitude about the renewal of his certificate? - No.

If you had been told that Mr. Hamilton did not comply with the club discipline and tended not to behave in an acceptable manner on occasions, would/

would that have affected your attitude about renewing his certificate? - If the club had informed us to that effect we would have asked them to elaborate on it and possibly made enquiry into it.

If you were aware that Mr. Hamilton had been warned by Mr. Crawford about his conduct in the shooting range.....? - If we had that information.

If you had asked that and you were aware of that because again we have evidence that Mr. Crawford did warn Hamilton about his conduct? - I didn't know.....

Would that have had a bearing on your attitude about renewal? - If we had been told that we might have enquired into it. Yes, I would expect so.

If you had been told that Hamilton did not follow the course of fire and this was a criticism of him, would that have a bearing on your attitude about renewal? - We would probably have consulted with the club as to if they still considered him to be a safe and competent shot and depending on what action the club themselves had taken would have a bearing on the matter.

BY LORD CULLEN: Suppose no question of safety arises but it is simply not conforming to the course of fire? What would you do about that? - Well, we would hope that the club would take the appropriate action that they deemed suitable. Then if they still allow him to be a member of the club then we would have difficulty in saying that he does not have membership of the club.

So membership really would be the critical thing as far as you were concerned, is that correct? - Yes, if they refused him membership then we would have to.....

CROSS-EXAMINATION CONTINUED BY MR. GIBB: But if he misbehaved but retained his membership, it would be a factor obviously? - It would depend, yes.

And so far as the question of actual use was/

was concerned, all that you needed from a prospective applicant on their renewal was that they intended to use either the weapons or the ammunition? - Yes.

You don't retrospectively need any evidence that during the previous period they had actually used the weapons? - No.

So on that scenario someone could be a member of a club for 10 years, never have been to the club and as long as they retained their membership the odds are that that renewal would be granted? - As long as they retained their membership, yes, but I would imagine most clubs if someone was not shooting on a regular basis would probably reconsider them being a member as they were not making use of the facilities.

You were asked by Miss Dunlop about your reaction to signing certificates yourself. You were asked by Mr. Bonomy about postal renewals. What is your view as a firearms examiner about the efficacy of postal renewals as opposed to the system operated by Central Scotland Police? - I would prefer the system that we have because you are still keeping in touch with the applicant. That is my main personal feelings about it. The postal system, when you go postal then you could lose the rapport maybe you have built up with the person over the years and they may lose their shooting grounds on farms or whatever which may not be reaffirmed at the time.

We have heard evidence I think that the Home Office guidelines have suggested that the six months' probationary period be reduced to three months? - That is right.

And that there need no longer be any counter-signatory on the application and we know the period of certificates have been extended from three years to five years? - That is correct.

And there is this question of going postal. It gives perhaps the impression of not total deregulation but an element of deregulation of firearms. Is that a fair impression to gain? - I would say it is a fair impression. It is not one that I agree with but it is a fair impression.

CROSS/

CROSS-EXAMINED BY MR. TAYLOR: Can you have D87L in front of you please? That is the RL3a which you completed in February of 1992. We see the first question which is asked is whether the applicant is a suitable person to hold a firearms certificate? - That is correct.

When you approach such an applicant do you go there with an open mind? - Yes.

You don't go there with any preconceived ideas? - No.

So you are starting from scratch if you like in seeing whether this person is a fit and proper person? - Yes.

So if anything which you have said in evidence up until now could be interpreted as you going there with some assumptions, would that be incorrect? - I don't know.

Well, are you going there with any assumptions? - I am not, no.

And if we could have a look please at No. 5 on the second page. We see there that one of the questions which is posed is whether the locations entered at Question 23 in the firearms form are suitable for the use of firearms held or to be acquired, is that correct? - Yes.

And I think we have heard evidence already at the Inquiry that the purpose of this is to ascertain if the club of which the individual is a member is properly qualified to shoot particular guns which he has a licence for, is that correct? - Yes, that is correct.

And it would only be at such ranges that the licenceholder would be entitled to shoot, is that correct? - They would have to be approved ranges, yes.

So it would not be correct for example to say that once he had a certificate he was then in a position to do with the firearms as he pleased? - No.

So again if anybody sought to take such from/

from your earlier evidence, that would be somewhat mischievous, would it? - Yes.

If a person who holds a licence for a particular calibre of weapon wishes to purchase another weapon of the same calibre and sell the one for which he originally acquired permission, does that require a variation? - Yes.

I appreciate you don't deal with variations or do you deal with one to one variations? - I do, yes.

Let's assume that the person who is making an application has permission to hold two guns of the same calibre and the permission which he has permits him to hold these two guns and they are differently adjusted perhaps by sight or by grip. I think that was the normal ways in which they differ, is it, the sights and the grips? - Usually, yes.

And if in the variation he seeks to sell one of the guns and acquire another one which is identical in all respects to the gun of the same calibre which he is electing to hold, would that raise any questions in your mind? - If it was an exact duplication then possibly, yes.

Would that cause you to ask any questions? - We would usually enquire as to why and if they gave a reasonable explanation then it would be allowed.

You are answerable to an Inspector and to a Chief Inspector, is that correct? - I am, yes.

How often are you in contact with these people? - Quite frequently.

On a daily basis? - Yes.

In the course of your contact with them will you discuss with them anything which has arisen in the course of your enquiries? - If there is anything untoward, yes, it would be brought to their attention.

And you would obtain the benefit of their views on that presumably? - Yes.

So/

So whilst they might not make specific enquiries of you when you submit documents to them, nonetheless you may well have dialogue with them in relation to particular applications? - Yes.

Am I right in thinking that the firearms certificate is not a prerequisite to shooting at a recognised club? - No, you have to first become a member.

But you can become a member of a club and not hold a firearms certificate, is that correct? - That is correct, yes.

BY LORD CULLEN: Perhaps I can just ask you one or two questions. Can you just help me by describing the system where a certificate is granted in which there is authority to acquire a weapon of a certain calibre and that acquisition eventually takes place. What is the procedure which is followed? - Once an individual has purchased or acquired a weapon that he was given permission to buy we would be notified by the seller and that information would then be transferred on the computer records from 'purchase' or 'acquire' to 'possess'.

Is there any entry made on the firearms certificate? - There is, yes.

So it passes through the system for that purpose, is that right? - Yes.

The information that goes into the firearms certificate about the weapon which is authorised to be acquired simply states the type and the calibre, is that right? - That is correct.

And by the type the word 'pistol' or 'rifle' or 'revolver' would do, is that correct? - Yes.

Now, suppose you have a situation in which at renewal the applicant wants to acquire a second firearm of the same calibre and type that he already possesses and he gives an explanation that he wants to have that one with some special features on it and on that basis you are content to pass the thing on for approval. If in the course of that period of the renewed certificate he in fact buys one which is exactly the same as the one he already holds, is there anything that can be done about that/

that? - That is a good question. It would probably be decided upon renewal whether anything should be done. I don't know whether anything actually could be done because he had purchased..... on the certificate it would just stipulate the calibre and type, no specification of weapon to buy.

So he is doing something entirely within the four walls of what he has been authorised to do? - Yes.

And in view of a question asked by Mr. Taylor, can I just be clear; if he starts shooting at some different location from the one which is mentioned at the time of the application, is there anything that can be done about that? - Well, if it came to our attention it was not an approved range then he would not be complying with the conditions of his certificate and there may be something done about that, yes.

But supposing he still sticks to approved ranges but he had been going to shoot at one which is not mentioned on his application? - Well, he would not be complying with the conditions of his certificate. There is a specific condition which says it must be ranges that have the relevant safety certificates. So he would be in breach of the conditions of his certificate.

Thank you. One other matter. When you are considering whether authority should be given for a particular acquisition, are you concerned also with whether the security will be adequate to contain the weapons proposed to be acquired? - Yes.

So if we take Miss Dunlop's example of 25 or 26 or whatever it was weapons proposed to be acquired, then the applicant might be in some difficulty, might he? - If he didn't have..... they would have to improve their security for the proposed weapons, yes.

RE-EXAMINED BY MR. BONOMOY: In connection with the 1992 renewal, was any check done on Criminal Intelligence? - Not by me, no.

And you didn't instruct any? - No.

When the application form and the RL3a go/

go to the Inspector, the Chief Inspector and the Depute Chief Constable, where is the current licence? - It would be retained in the file.

So the applicant hands in his current certificate when he sends in his application? - We request them to return their certificate to us although we have no grounds under the current legislation to ask that but most of them do comply.

And is the RL3a completed by you in the office after the application comes in? - Yes, definitely.

And prior to that at the house you use a blank sheet of A4 paper? - I do, yes.

Have you had experience of Maureen Johnson sending an application back to you for further enquiry as a result of something that she has discovered on file? - Yes.

Can you give me an example of that? - There was an omission that an applicant had made. He still had outstanding authority to buy a 2.2 sound moderator which is commonly known as a silencer and they had not mentioned it on their application form and she referred it back to me to confirm whether the applicant still required it or not.

You were asked about shooting albeit you did not have a firearms certificate. Do you in fact even need to be a member of a club to shoot? - I do have personally a firearms certificate.

But can a person go to a club as a guest of a club member and shoot? - They can go as a guest, yes.

You were asked some questions about preconceived ideas about whether a person is a fit and proper person. Do you not in fact approach a renewal on the assumption that the person is a fit and proper person unless something crops up to suggest otherwise? - I assume they ought to be fit and proper unless the PNC or SCRO system would show differently.

So you do make assumptions? - Well, not full assumptions that they are unfit.

MICHAEL/

11.40 a.m.

MICHAEL MILL (Recalled)

LORD CULLEN: You are still on oath, Mr. Mill.

EXAMINATION CONTINUED BY MR. BONOMOY:

Would you remind me of your present position in the Police Force?

- I retired from the Police Force as a Chief Inspector in charge of Callendar Local Command Unit in April, 1994.

I want to ask you about one of Hamilton's renewal applications which you dealt with. Could you have various documents in front of you. First of all D51A which is an application dated 3rd January, 1986, the RL2a which goes with it which is D52, and the AD2a form which is D53. If we start with the last of these, the AD2a form, you will see this is from Acting Chief Inspector Mill at Stirling to the Chief Superintendent of A Division on 29th January, 1986. Is that from you to the Chief Superintendent? - Yes, it is.

That relates to what is headed up "Variation of firearms certificate 4588". It was actually a renewal with a variation built into it? - That is correct.

If you look at the application form you will see that? - That is correct.

And it relates to Thomas Hamilton? - Yes.

We have heard a little evidence of your involvement before in the Inquiry when you dealt with some of Hamilton's complaints about the police investigation at Inchmoan Island? - That is correct.

And we heard that you were the person he did from time to time come to try to plead his case, as it were? - Yes.

You became involved somehow or other in this particular renewal variation application. Can you explain to us how that came to be? - Yes. In January, 1986 I was Inspector at Stirling and Chief Inspector/

Inspector Reid was my immediate supervising officer. He initially processed this RL3a form, and he went off ill, and in that interim I took over from him, at that particular stage of the variation and the renewal.

Are you in the chain of command which would normally, as a result of that -- that would normally deal with applications? - Yes.

Had you come in only because a query is raised? - With the processing of the application, the firearms application, the renewal variation, as Inspector I would check the officer who is actually dealing with the application themselves. It would go through the chain of command through the officer who actually is doing the application, go through the Sergeant, through the Inspector, and then the Chief Inspector or Sub-Divisional Officer would then put his remark with "no objection" and it would then go to the Superintendent.

If you look at the RL3a, the Inspector has initialled it under the word "Station". You see that? - Yes.

I don't think that is your initials? - No. Yes, that would be Inspector Marshall. He would be the Inspector who initialled the renewal.

You would come in because you were deputising for the Sub-Divisional Officer? - Yes.

We don't see your signature anywhere on that document? - That one would have went through to the Superintendent with no objection at all to the firearms -- well, the Deputy Chief Constable's office, who would then have seen something in the application and would have returned it. At that particular stage then I would have been deputising for the Chief Inspector.

Attached to AD2 is a note addressed to Sergeant Binning? - Yes.

Is that Marshall's written note? - Yes, it is.

He is asking him -- well, he is saying it is unlikely a second 9mm pistol will be granted. See/

"See Mr. Hamilton and obtain full details of his reasons for requiring two pistols of the same calibre." Did you actually make that enquiry yourself of Hamilton? - No, I didn't. That would have been returned to the officer who was dealing with the application.

So that is Bell, is it, or Lesley Johnston? - Yes, it would be Constable Johnston. Sergeant Binning would be her immediate supervisor.

Why would she not simply complete the AD2 form herself? - Well, she would normally do that. I don't understand why she hasn't done it. I just can't remember as to why I would have done it. It may have been to expedite the variation and the application. It may have been she was off, she went off ill or whatever.

Are you sure you didn't speak to Hamilton? - I didn't speak to Hamilton.

Were you yourself aware of the information in this AD2a from what you knew of Hamilton or is this information that could only have come from the enquiring officer? - This could only have come from the enquiring officer. I wouldn't have made any investigation into this particular variation.

No cross-examination.

ROBERT OLIVER CAMPBELL (63) Sworn

EXAMINED BY MR. BONOMOY: Do you live in Stirling? - Yes.

And do you work as a security officer? - Yes.

How long did you know Thomas Hamilton? - From 1977 to 1984.

How did you get to know him first of all? - I came to work in the shop next door to the shop he occupied in Cowane Street in Stirling at that time.

And for how long were you neighbours in shop/

shop premises? - During that period, from 1977, mainly from 1980 to 1984.

What happened in '84? - Hamilton left that shop and in '85 I left the shop next door.

During the period he was a neighbour in the shop did you know of his interest in running boys' clubs? - Yes.

How did you learn about that? - Well, it was obvious. He came in and talked, he wittered on quite a bit because the boys' club was very much at the top of his mind. I also saw boys leaving to go to camps, and I also saw them on a Saturday morning, they would come in and assist him tidying his shop, washed his van.

Can I take it there would be several conversations between you and Hamilton which were fairly regular? - Well, from time to time, yes. He would come in and -- yes, I would say fairly regular.

Did he ever mention the Scout organisation in any of these conversations? - He led me to believe he had resigned from the Scout organisation.

Did you know anything about his family background at that time? - Well, I understood that the father, who now transpired to be the grandfather, stayed in the house at Riverside. He also referred to a lady as his sister, but I knew virtually nothing more about that. I did meet the person who he named as father at that stage, an elderly gentleman.

Were you ever at his home? - No.

Did you ever see anything happening in his relationship with the boys of any kind that caused you any anxiety? - Never.

What appeared to be the relationship? - Similar I suggest to a club leader and boys participating in a club. That kind of relationship was similar to what I possibly experienced myself in the Boys' Brigade between members of the Brigade and officers in charge of it.

Did/

Did you know Hamilton had a boat? - Yes.

Were you on it? - Yes.

Can you tell us about that? - Well, I am quite interested in boats and have been all my life, I suppose -- and never had one. But I am also a painter to trade, and he acquired a boat, and he had been doing some work on it. He knew I was a painter, and he had purchased timber and was renewing woodwork on the boat, and he asked me to varnish it and bring it up and do some other painting jobs on the boat, which I was quite happy to do because I enjoyed messing about on boats.

Can you remember the number of times? - Maybe two or three times I worked on the boat. I have sailed maybe four times.

When was that? - It is difficult to date. Some time between 1980-84 I would have thought.

Were you ever there when he had boys with him? - Yes.

What were the circumstances? - Well, it was just again the boys were around, a posy of boys about, much the same as a Saturday morning. They were on the boat, there were lifejackets on the boat. When I sailed on the boat I had my wife and my own two girls with me. It was a family outing.

On any of these occasions was Hamilton camping with the boys? - No.

What was the name of the boat? - "TROPICAL LINDA" I think.

Do you know what happened to it? - It went on fire.

Were you there at the time? - No. He was on it alone. I was shocked when that happened to the boat. He claimed at that time it was a gas cylinder which had gone wrong.

From what you saw of his relationship with the boys at Loch Lomond was there anything there to cause you concern? - No.

Were/

Were you satisfied with his attention to safety with the boys? - Yes.

What was the first time Hamilton ever discussed what may be described as official dealings in relation to his dealings with authority? - That would be when some -- I think the let of the accommodation in the schools was stopped by Central Region.

Can you remember when that was? - I could refer to -- I have noted the date in my pocket if I can refer to it. I don't know if I would be allowed to?

I don't think there will be any objection to that and with his lordship's leave you can do that. Where did you make the note from? - From -- well, I have got my own CV with me, and I just checked up trying to find out dates, because at the time the statement was made I was more or less taken out of my daily routine and I wasn't quite sure the dates may be accurate, and I tried to get better accuracy.

On you go then? - That is 1984 that case was coming up because the Ombudsman's report was drafted on 22nd August, 1984 and he supplied me with a copy of that, both the draft and the final document, but I don't think I read it at the time. He asked for my advice because I had been a Councillor from 1965 to 1980 -- not with Central Region, I was with the Burgh of Stirling and subsequently with the District Council. He asked questions about administration and how things worked and things like that and generally discussed it. I didn't know much about the circumstances about the stop of the let, but he was quite disturbed at what was going on and worked quite assiduously at trying to clear his name and reinstate the lets.

Did he give you any indication about why he was having difficulty with the lets? - No. I don't really recall at the time, but there had been an incident at a camp or something of that kind. I think this was the basis of it. But subsequent to reading the report that would seem to be the basis of it.

What was the first you knew he had an interest/

interest in guns? - It would be about the same time in the conversations when he spoke of shooting. He was a member of Dunblane Rifle Club I believe.

Were you aware of him taking boys that he had at the shop for shooting practice anywhere? - Not that I can recall. I don't know whether they did. I think perhaps on one or two occasions he took them to the range, yes, I think he did say this, because we discussed discipline and I understood that his discipline on the range was very strict and he looked after the boys.

Did you have any interest in guns? - No, not at all.

Did you have any views about them? - I am anti-gun really -- that kind of gun anyway. I can appreciate guns are necessary for environmental control, pest control and stuff like that, but the kind of weapons that have been discussed here, I don't think they should be in the public domain at all.

Are you a Justice of the Peace? - Yes.

Since when? - I have been a working Justice of the Peace for 28 years. The Justice of the Peace -- we were given that after reorganisation of Local Government in 1974-75. Any Burgh Magistrates who were serving in Court at the time were automatically put on the Justices Register and continued to be in Court.

Does that mean you get asked to sign a lot of things?  
- Yes.

Can you just give us a rough indication of the sort of forms you will be asked to sign? - Well, the principal one is in fact search warrants for the Police Force, drugs warrants for the Police Force, child care Orders. It goes through a range from people changing their name, changing a lair in a cemetery or something of that kind. There are various things. I would also get asked to testify photocopy documents are true facsimiles of the original document. Generally the Justice is the point the lay public have access to the legal system, the bottom rung of the ladder.

Hamilton/

Hamilton asked you to sign a form; is that right? -

Yes.

Were you ever asked about a firearms form? - I signed a form -- I had forgotten completely until such form was presented to me in the course of this Inquiry. I signed a firearms form. I also signed one saying he was a fit and proper person to run a boys' club for the Strathclyde area, Bishopbriggs, I'm not sure.

Did/

12.00 p.m.

Did you, prior to the Dunblane tragedy, ever have information in your possession to suggest he wasn't a fit person to run a Boys' Club? - No, never. I would never have signed the form if I thought that. I knew him well enough to tell him to go and get lost. But I had never any reason to suspect it. What I had seen of his activity with the boys and the Club, I didn't suspect it had changed. I asked him how things were going and I was given the affirmative, everything in the garden was lovely, according to him. Obviously he wasn't going to tell me anything different if he was wanting a form signed.

When was the first time he asked you to sign a firearms form? - I am not sure, but the date was on the form. I don't recollect it.

Could you look at FA55, which is D83. That form is dated the 12th January 1992. You will see that date on it, and then the date opposite your own signature is the 14th January 1992? - Yes, that will be correct. That is my signature and that would be the date, then.

Now, this is the first time that he came and asked you, was it, 1992? - Yes, to my recollection. I can't answer. I don't know anything other than that. I didn't keep a record of any of the signatures I gave.

You will see you have signed a form that says "(a) to the best of my knowledge and belief the information given in answer to questions 1 to 15 above is true", and if you go back you will see that 1 to 15 are all on the first page? - Yes.

And they are personal particulars of Hamilton, and I take it to the best of your knowledge and belief these were true? - Yes.

The second point you have signed, (b), is "I know of no reason why the applicant should not be permitted to possess a firearm" -- and is that the position? - That is the position, yes.

And then I think you confirmed that the photographs produced bore a current true likeness to the/

the applicant? - Yes.

And you had endorsed one to that effect? - Yes, that is correct.

And you finally said that you were resident in Great Britain and had known him for 10 years? - Yes.

Which is probably just a little less than you had known him properly for? - 1992, 10 years takes you back to 1982. There is a complication on the next application, actually, which I think explains the reason. 1982 -- 1977 I think I came to know him, yes, that is correct.

But you were erring on the cautious side? - Yes.

You weren't erring on the wrong side? - Yes.

And I take it from what you have told me you signed two firearms application forms? - I have signed one subsequent to that one, which I have no doubt you will bring up.

Yes. The other one is D91 (FA61). And you can see your signature, dated the 15th January 1995? - That is correct.

Yes. The complication you are mentioning is that you have known him for 26 years? - Yes. I can expand on that.

I am not so sure it matters, but please carry on and explain it? - I can expand on that, if you wish -- I don't know if it is relevant or not -- but the situation was he arrived at my home on the 15th January 1995 somewhere about 8 o'clock in the evening, and the family was watching television -- house all locked up for the night -- no phone call saying he was arriving or anything. And he asked me to sign this firearm certificate. I had done so previously. The family were watching television. As I say, he could witter on. I had no intention of inviting him in as a guest for the rest of the evening, so the business had to be conducted in my one room, the living room. I got on to the length of time I had known him. The conversation/

conversation was amiable enough, there was no problem in that respect, and I had said something like 15 years or something of that nature, without putting too fine a point on it and calculating everything down to the last..... But he said 25/26 years, and we then began to discuss how this came about, and his claim to 25 years, 26 years was that he first knew me when he delivered documents from the Borough Architect's Department to Councillors.

I was elected to the Council in 1965, and he delivered documents from the Borough Architect's at that time to the house on a scooter, documents for the next committee meeting or something. And I could recall him at that time, I could remember of him. I didn't know him as well as I subsequently got to know him in Cowane Street, but I did remember him, and he felt he would like that length of time to be recorded, and as I felt 10 years, 15 years or 26 years -- I think if you don't know someone in 10 years I doubt if you will be much further on in 26 years.

Well, I don't know that you will be faulted for that, but if you could look at the back of that form, there is a series of notes which are Guidance notes for people filling up forms. Have you got that? - Yes.

Now, if you go to the foot of the page, in the first column, do you see a sentence beginning: "The person who countersigns the application is required by the Firearms Rules 1989 to declare that he knows of no reason why the applicant should not be permitted to possess a firearm"? - Yes.

That was your position at that time? - That was my position at that time. I understood he had had guns of various kinds for something like 20 years.

If you go to the next column, does it say: "The countersignatory should therefore be aware that the Firearms Act 1968 requires a Chief Officer to be satisfied that an applicant can be permitted to possess a firearm or ammunition without danger to public safety or the peace". Does it say that? - Yes.

And were you satisfied yourself? - At that/

that point in time, yes.

That he could do that without danger to the peace?

- Yes.

It goes on to talk about the Chief Officer is prohibited from granting a certificate "To any person whom he has reason to believe to be of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with a firearm". Now, had you any reason at that time to think any of these would apply to Hamilton? - I knew that he didn't drink at all. I had never known him to take alcohol at any time. I didn't think anything of his mind. He was different from most people, but I didn't think he was of unsound mind. He was a very shrewd businessman.

And then the last one "For any reason unfitted to be entrusted with a firearm"? - I couldn't see any reason for him being unsuited. I had seen no change in his condition from the previous time.

Now, did he tell you anything about what was going on in his life at that renewal? - No -- when he came to get his certificate signed?

Yes? - No, not specifically. Things were just going on quite well, and the law required that he get his certificate renewed, and he came to me, a justice who knew him, to have his certificate signed.

And between 1992 and 1995, that is between the two forms, did you see him at all? - Only passing in the street.

And between 1985 when your own business terminated and 1992? - Similar.

When you first signed the form had you any dealings with him? - No, no contact other than passing him in the street, something of that kind.

CROSS-EXAMINED BY MR. CAMPBELL: If we look at the second application which you signed in January 1995? - Yes.

And we can see that you are asked the question/

question "To the best of your knowledge and belief is the information given by the applicant in answer to questions 1 to 15 true?"? - Yes.

Would I be correct in understanding -- and I don't criticise you for this, please understand that, but would I be correct in understanding that in so certifying on this occasion, to a degree you were taking Mr. Hamilton on trust? - Yes -- well, I knew that his previous address had been 7 Kent Road. I asked him what he had been doing in the line of business, and he assured me that he was in photography. We briefly discussed that he was buying lenses on mail order catalogue from London, polishing them up and reselling them on the market in Scotland at an enhanced price. He was a shrewd businessman. I accepted that.

It would be a reasonable summary of your relationship with him to say that you knew him, but not particularly well? - Yes, that would be reasonable.

If we look at the second question, the second matter you were asked to certify, on the back -- you may be looking at the Guidance there. The bit you signed is the bit I am asking you to look at? - Oh, this here, sorry.

Part F for the countersignatory, the question you are asked in B, or the matter you were asked to certify in B, is "I know of no reason why the applicant should not be permitted to possess a firearm"? - Yes.

And of course we know that you knew of no reason why the applicant should not be permitted to possess a firearm? - That is correct.

Supposing you had been asked "Is this man a fit and proper person to have a handgun?", or a firearm, would you have felt able to so certify? - I knew that he had handguns and I felt I had no reason -- handguns are permitted by law under a firearm certificate. The police were aware of the firearm certificate.

I questioned whether they were kept securely in his house, because I had not any thought that he would use them in the way he subsequently did, but I feared for break-in and theft, /

theft, and someone else using guns in this particular way. In that the certificate allowed it, a gun was a gun, whether it be a shotgun or whether it be a handgun. I don't think we need handguns in civilised society, but the law allows it.....

Can I just interrupt you for a moment, and give you a word of reassurance? Nothing I am saying or asking you about involves any criticism of what you did. Can I just assure you on that. The question I am asking you is a hypothetical one? - Yes.

You have been asked in this form -- and it is really the contents of this form that my question is directed to, nothing that you yourself did. The form says "Do you know of any reason why the applicant should not be permitted to possess a firearm?". And of course you said, quite understandably, given your knowledge "No, I don't know of any reason", and that is what what you certified.

Would you agree with me that the form was not asking you to certify yourself that Hamilton was, in your view, a fit and proper person? - I am not following what you mean "certify"?

Is is my fault entirely. There is a difference, would you agree, between being asked whether you are aware of any reason why somebody should not have a gun, on the one hand, and on the other hand being asked your own opinion as to whether he is a fit and proper person to have a firearm? - That is the wording of the form you are talking about, the answer to the question.

Yes, indeed? - I would probably have answered the same question, because I knew of no change in his situation that would have made me think otherwise. If I had I wouldn't have signed that form in the first place. And I knew he was competent in his business, and he was competent at handling guns, whether it be a handgun or a .22 or whatever, it would not, I don't think, have made any difference to whether I signed it or not.

So if B had read "I certify that Mr. Hamilton is, in my opinion, a fit and proper person to have firearms", how would you have answered that question? - Well, I don't think I am a fit and proper/

proper person to answer that question. Who knows what someone is going to do? It is a very very hypothetical question, and I can only give a hypothetical answer. I am not a competent person to say that anyone is a fit and proper person to have a gun. You don't know what someone is doing to do. How long does it take someone to go mad? I think the question is worded the way it is to avoid that situation.

And when we see in the same part of the form that you were asked to tell how long you had known the applicant for, be it 10 or 26 years, you are not asked to give any information as to how well you know the applicant? - I would reckon this is a weakness in the form, yes. But there is another problem to that also, that most people who come to get a form signed are not au fait with JPs every day of the week, who know they have to get in contact with a JP if they might need a form signed in 10 years' time. You have to do it. I mean, what is knowledge of a person? What does that mean?

If I understand the general situation -- correct me -- but you were not familiar with Mr. Hamilton's family background? - Oh no, I knew enough about his family background in that I knew his so-called father. I didn't know his sister, or mother, but I knew the circumstances. He often discussed his parents. He was very good to his parents at this time, so I knew something of his family background, and I had met his so-called father. I had met him and spoken to him in conversation down at the shop in Cowane Street, so I did know something of his background.

You had never been in his house? - No, I hadn't been in it.

Did any police officers ever ask you any questions about Mr. Hamilton? - No.

So your only involvement in the whole process of Mr. Hamilton obtaining a firearm certificate -- your only involvement was the two documents which we see before us here? - That is correct.

You told us that you were a Justice of the Peace -- you may still be a Justice of the Peace?/

Peace? - Yes, I still am.

And Justices of the Peace are one of the categories of persons who can be asked to sign forms such as applications for firearms certificates and the like? - Correct.

Have you ever been given any instructions or training in the matter of considering the signature of applications such as this? - Not specifically to my recollection. I did in 1985, when the new Justice System was set up -- training was introduced then. Training was introduced, and you had certain training to go through, and there would be instruction during the course of that lecture which more or less stood for the honesty of the person in signing the form -- and it would be on oath, taking an oath and signing, most of the forms, the same way as I took the oath when I came in here. Other than that, no, I can't recollect any specific firearms training. Indeed, I wonder what it would be.

I think you were shown the guidance for countersignatories in the notes attached to the form? - Yes.

Have you seen these before? - I don't think I have paid specific attention to them before. If they were in fact attached to the firearm certificate, I don't think I read the small print, under the circumstances of the signing.

Again, it is not a complaint or criticism, please understand me, but before signing these two applications, to the best of your recollection, you didn't read the Guidance? - To the best of my recollection I don't think I read that Guidelines, no. I dealt with the questions above my signature, A, B, C and D and answered these truthfully.

I/

12.20 p.m.

I may be corrected but I don't see anything in Part F directing your attention to guidance or giving any advice on that part of the form? - No. "See Note 68 overleaf before completing this part". Perhaps that is it.

It must have come as a considerable shock to you to discover that Hamilton did what he did? - That is an understatement.

An understatement I am sure. If you were asked again by someone else to countersign a firearms application, would your approach to the matter be any different? - I don't think it could be because again, as I said, I am the first point of contact. People who are known to me and I know who wish to have firearms come to the JP. I am territorially placed within the situation to be of access to the community that I live in and I think I have a duty as a Justice of the Peace to be satisfied on the points in the questions and now obviously on the guidance that this is correct and true. Until the law is changed then I feel I have a duty to sign. My own personal views on it should not in any way..... I can't inflict my personal views on the community where I have a service to perform for that community.

But I think you have offered some personal views of your own as to guns in the community? - I am anti-handguns and all these things. I don't think that they should..... as I said already in a statement earlier.

CROSS-EXAMINED BY MR. TAYLOR: You were asked if the police officers asked any questions of you as to Hamilton's suitability when they called to see you. Can I just have your evidence on whether the police officers did call to see you after.....? - I am sorry, I'm not picking you up.

Did any police officers call to see you following you having countersigned the application made by Mr. Hamilton? - No.

Did police officers come to see you in 1992 after you had signed, just to check.....? - Not to my recollection. I think I was telephoned.

You/

You were telephoned? - Yes, and asked to confirm it was my signature. I have no recollection of a police visit.

Perhaps it is my fault. You were contacted in some shape or form in both 1992 and 1995? - Yes.

No re-examination.

DONALD COWAN (35), Sworn:

EXAMINED BY MR. BONOMY: Are you a Sergeant with Central Scotland Police? - That is correct.

Based at Alloa now? - I am.

And how long in the police? - I have 17 years' police service.

Did you know Thomas Hamilton? - Yes, I did.

When did you first encounter him? - It would be around 1979 or 1980 if my memory serves me correctly.

Who introduced you to him? - A gentleman by the name of Mr. William MacDonald.

Was he in the police at the time? - Yes, he was.

Has he already given evidence to the Inquiry? - I am led to believe he has.

What were the circumstances in which you came to meet Hamilton? - Mr. MacDonald and his son David were in the Stirling Pipe Band of which I was a member and when I used to take David home sometimes Hamilton was there.

In those days did you have any occasion to speak to him at length? - I wouldn't say speak to him at length. It would be just maybe short periods of five to 10 minutes whilst I would be in Mr./

Mr. MacDonald's house just passing the time before I left.

Did you form any opinion or impression of him at that stage? - Yes, I did. I formed the opinion that I would say he was strange, quietly spoken and an introvert. There was just a gut feeling I had about him, that I didn't take to him very well.

Did you know of his involvement with boys' clubs at that stage? - None whatsoever.

So you would not have any reason to be concerned about his activities with boys at that time? - At that time, no.

How well did you know Mr. MacDonald who introduced you to him? - I knew Mr. MacDonald fairly well, yes.

What about his son? - I knew him fairly well as well.

Were you able to work out how friendly they were with Hamilton? - I would have said they were fairly friendly, yes.

Did you ever go to Hamilton's boat on Loch Lomond? - Yes, I did. That would have been back around 1979 or 1980 if memory serves me correctly. I went up there with the MacDonald family but Mr. Hamilton was not there on the once or twice that I was on the boat.

Now, I am going to ask you about your involvement in Hamilton's firearms certificate renewal in 1995. Prior to that did you have any information about him and his involvement in boys' clubs or on his behaviour in general which might have caused you to be wary of him? - None whatsoever.

You hadn't picked up rumours or innuendo or tittle tattle there was about him? - None whatsoever. Although I have 17 years' police service, in the main I have spent that over in Clackmannanshire and I would say I have spent maybe only four and a half years of my service in Stirling and the Stirling area and have not been party to any report/

report or muster room or canteen tittle tattle about Hamilton.

But there is more to it than that as well. By 1995 there were a number of police complaints about him, at least complaints that the police had investigated. That is a separate chapter. Now, were you aware of any of that material? - I was not aware of that whatsoever.

So neither from the simple talk nor from the material that the police had did you know anything about him? - That is correct. I knew nothing whatsoever about him.

So what was your role in dealing with his renewal application in 1995? - I was the supervisor at that time of the Area Constables and being their supervisor, when either a grant or a renewal of firearm or shotgun certificate came through it was my duty to allocate these enquiries to individual officers.

Now, can you have D91L please which is the 1995 application and can you have D92L and can you also have DI06 which is FA63? Now, to deal with that form first of all, that is the RL3a form and your name appears on it? - On the form RL3a, my name appears on the rear of it and I have signed it underneath "Reporting Officer."

The reporting officer was Constable Anderson? - That is correct.

What was your role in the enquiry? - Again it was to supervise that the enquiry had been carried out, that the officer allocated the enquiry would go to visit Mr. Hamilton, check that his guns on his certificate married up with the details of the firearms in Section 3 of the report and that everything was in order.

Now, you signed it on the 14th February 1995? - Yes, that is correct.

But you had seen it before? - Yes, I had seen his application form before.

Not the RL3a? - No, that is completed after the enquiry has been done.

So/

So are you sure you didn't see the RL3a as well? If you look at the application you will see it is dated 15th January? - Yes, the application form came to me and because I knew Mr. Hamilton I had a quick look at it and before I gave this enquiry to PC Anderson, the control docket which was attached to it, I folded it up and put a comment on it for PC Anderson. I thereafter gave the form, DNT01, along with this control document to PC Anderson.

Now, we see your comment that you have referred to on the other document which is there which is D92. What was it you said to her? - I put at the top, and I folded it over, and I said "PC660 Anderson. With regard to pre-cons could you oblige and check that this is a definite No" and I have underlined the "No". "I have a feeling he has or at very least is on CI". I mean by that Criminal Intelligence, and I have signed and dated that. I have initialled and dated that, sorry, 18th January 1995.

Now, what was your basis for writing that? - Again it was just on my initial meeting with Mr. Hamilton. I had maybe seen him two or three times in the passing in Stirling and I had thought he was a strange man. I have thought many times as to why I thought he had previous convictions or as to what type of previous convictions he might have but again it was just a feeling that I had. Nothing more than that.

Now, you got a reply along with presumably the RL3a? - Yes, that is correct.

And what was the reply? - The reply is "No trace PNC. CI intelligence on Hamilton" and it is signed A. Anderson 660. "Nothing to stop firearm application going through".

Is that last bit in the same handwriting? - Yes, it is.

So what documents came to you at the stage you signed the RL3a? - They all come to me. The application form and the RL3a along with this control docket as I call it.

You didn't have any other document like the file or the existing firearms licence? - Sorry, the/

the existing firearms licence which was due to be renewed would be there as well.

But not the firearms file relating to Hamilton? - Not the main file, no.

And from you where did the papers go? - After I have checked it I put it into the Duty Inspector's basket.

CROSS-EXAMINED BY MR. CAMPBELL: Just looking at the note that you wrote, D92L. You didn't actually say "I have a strange feeling about this man" although that was the basis for your intervention?? - I have on the note "I have a feeling he has or at very least is on CI", yes.

No, I am sorry, the answer to my question I think is "No, I have not put that down" because the feeling is a reference to previous convictions. You are saying "I have a feeling he has previous convictions", not "I have a strange feeling about this man"? - Yes, it is. Yes, "Check that this is a definite No. I have a feeling he has.....", yes.

You see, it might be thought that if what lies behind your intervention at all or what lay behind your intervention in the first place was a gut feeling that you had had about this man, one might have expected that gut feeling to be recorded? - My gut feeling was back to, as I said, 1979 or 1980 and it was in purely social circumstances and it was nothing more than that.

But it was a gut feeling which prompted you to ask somebody to check out the previous convictions? - Yes.

So it is not purely social, is it? - But it is now in the police environment when as a supervisor I was wanting her to carry out that check, PC Anderson to carry out that check.

What was your understanding at the time as to the reason for a firearms certificate holder requiring to apply for a periodic renewal of the certificate? - Sorry, I don't quite understand that question.

What was your understanding as to the reason/

reason for the requirement that a firearms certificate holder would require to apply from time to time for a renewal of the certificate? - Because his previous one was due to expire.

What training, if any, did you receive in the law relating to firearms regulation? - Well, going back to my probationary period, I would have received input from the Scottish Police College and I would have received input at local level, at Headquarters, and also I would be referred to local Standing Orders and obviously the experience over the years of having dealt with firearm and shotgun renewals and grants.

So it may be a difficult matter but did you receive any training in the law relating to firearms regulation? - In relation to firearms, yes, I would have in my probationary period and, as I said, at local level.

So in 1995 were you aware of the matters which required to be taken into account by those responsible for renewing Mr. Hamilton's certificate? - I was aware of the role that the constables enquiring, making enquiry, had to do and I was aware of the role that I had to play in the renewal process.

What was your understanding then of the role which you were required to play? - Obviously to check that all the details on the renewal form married with the details on his certificate which was due to be renewed and that they married with the enquiry officer's report on the form RL3a.

So the instruction which you had as to your role did not go beyond that purely administrative matter? - Well, basically that would be the case, yes. I give it to the enquiry officer and with the answers that she gives me and the RL3a I can see or otherwise that the enquiry has been done.

But we can see that you have taken it upon yourself, because of the gut feeling, to do just a little bit more than that and you have written the note here of the 18th January 1995 to PC Anderson? - Yes.

Did anybody ever come to you and say to you "We have read your note here. Why did you write it?"? - No, nobody.

So/

12.40 p.m.

So the only response which you received was a note received from PC Anderson relating to the CI Intelligence? - Yes, that is correct. When I put this back on the Inspector's desk -- well, when I initially got that I actually folded the docket up and when I put it on the Inspector's desk it may well have been the case that was down and nobody would have reason to actually see it.

In the paperwork is there any record of a contact with the counter-signatory Mr. Campbell? - In the paperwork -- as I say, there isn't. I must add that it is normally something that I stress that it is done and I normally get the officer to put another part, at No. 7, on the rear of form RL3a, to say that the counter-signatory has been verified, but on this occasion this has not been put on.

What do you mean verification of the counter-signatory? - By that I would expect the officer to call on the counter-signatory and confirm that he has signed the counter-signatory's section of the form, the application form.

BY LORD CULLEN: Is that all, nothing further than to ask, simply that? - Well, I can personally say that I would generally ask him to maybe write his signature so that I could personally confirm rather than just taking his word.

This is all directed to making sure the person who bears to have signed has in fact signed? - That is correct, yes.

That's the object? - Yes. Although PC Anderson hasn't signed it to that effect, knowing PC Anderson as I do as her supervisor, I would think it would be a fair chance that she would actually do that, although, as I say, I haven't actually put that on.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: Would you expect any such visit to be recorded? - Recorded in what way?

In some shape or form? - Again, as I say, I normally record it on the rear of the form, the RL3a, but on this occasion that hasn't been.

Would/

Would this be done by a visit or done by a telephone call? - Again, depending on the individual, speaking from my own experience I would do it from a visit.

But others may have a different approach? - Well, they may well do, yes.

RE-EXAMINED BY MR. BONOMOY: You were asked there about the role you played in supervising the constable. Is the extent of your check that the paperwork looks as though it has been done properly? - To my satisfaction, yes.

You don't go asking her: well, did you check this, this, this and this? - No, in general that wouldn't be the case. I would think that PC Anderson is a fairly experience officer, a fairly mature individual, and she is an officer I could trust to do that.

ANNE ANDERSON (31) Sworn

EXAMINED BY MR. BONOMOY: Are you a constable in Central Scotland Police? - I am, yes.

How long have you been in the police? - Five years.

Where are you based at the moment? - Stirling Police Office.

Over what period were you a probationary constable? - For two years I was a probationer.

That is the first two years? - Yes.

During that period did you get some training in firearm renewals and grants inquiries? - Myself personally I would go with a senior officer on enquiries and I would learn basically how to do an enquiry from that.

Did you attend Tulliallan? - I did.

Were there courses there about firearms that you remember? - Basically at Tulliallan, the basic training course would cover various aspects of firearms/

firearms.

So far as the Central Force is concerned, during the period when you were a probationer constable was there any formal training in firearms certification? - Yes, I got some training from the Firearms Department as part of a module that I took part in.

And did you undergo that? - Yes.

That was in force when you were a probationer? - Yes.

Can you remember who it was that taught that module? - PC Moodie.

Now, who is he? - The firearms officer for Central Scotland Police.

In the period since you completed your probationary training how many firearms enquiries in a year on average have you done? - I think possibly only the one. That would be the one for Thomas Hamilton.

Have you any recollection of doing any others? - Not for firearms. I did, however, do shotgun renewals.

How frequently? - During the time that I was an area constable for St. Ninian's and Braehead, I would guess probably four or five.

Do you shoot at all yourself? - Yes, I was a member of the Police Gun Club. I don't go any more.

When did you stop going there? - Basically the club tended to run when it was quite a good attendance, and it tended to fall off during the summer months, so whenever it was up and running and if it fitted in with my shift.

Had you shot before when you were in the Royal Air Force? - Yes, I had.

So you have some practical knowledge of firearms? - Yes, that is correct.

In/

In carrying out an enquiry and looking at individual application forms you would know what they were? - I would recognise some weapons. I wouldn't say I could tell you exactly everything.

Did you shoot with handguns or rifles? - Yes, both.

Did you get any renewal applications in 1995 to enquire into? - Yes.

Could you have the form in front of you which is D91. This is the form you were given to make an enquiry into? - Yes.

Would you also have D92 which is a note that went with it -- it may even be attached to it in fact. This is a message from Sergeant Cowan? - Yes, from the rear of the note.

Did that come with the application form? - Yes.

Now, that really instructs you to look into something in particular, that is the previous record, Criminal Intelligence? - Yes.

But without this instruction would you have done that? - Yes, I would have.

Would that be automatic? - Yes.

So far as the record is concerned, is it you who does the check yourself or do you get someone else to do it? - I would get someone else to do it. I am not qualified to use the PNC/SCRO computer.

And on this occasion did you get someone else to make these checks? - Yes, I went to the PNC/SCRO through a phone call to the Control Room which I made.

And they did the check for you? - They did the check.

On the spot? - Yes, they do it on the spot and ask for your own personal shoulder number.

What about the DVLA. Do you know if there/

there was any check there, in Swansea. Did you have any reason to check with them? - No.

That is not part of your process? - No.

It has been suggested earlier in evidence that is a way of getting additional evidence, additional material on criminal records that might not actually have got on to the SCRO? - Yes, I think that is right, but it would generally be for road traffic offences.

They may be relevant, but it wasn't your understanding such a check should be made? - That is correct.

How did you go about dealing with the Criminal Intelligence check? - That came about after I had been on a home visit to check the security at Hamilton's house. I came back and had a feeling about -- I had never met him before, and I had a strange feeling about the man. I came back, and because he had a firearms certificate the chances are he would have no previous convictions, so thereafter I spoke to one of my colleagues who was in the office at the time, PC Stolaker, and I asked him if he knew Hamilton. He said he didn't know him. I explained I had been at his house and found him a bit strange and he had an effect on me when he had presented or showed me the handguns which I had to check.

Can I just interrupt you because I do want to ask you quite a lot about this. But what I was more concerned about was whether at that stage, about whether you had actually done the check automatically because Sergeant Cowan had given you instructions? - No, I hadn't done it immediately.

You say you would have done that anyway? - I would have done it.

You are telling us about doing the Criminal Intelligence and seeking advice of a colleague? - I was trying to explain how the check came about.

On you go then. It may be best if I just let you do that? - The check came about after speaking to the Detective Inspector at the time, Detective/

Detective Inspector Anderson. He knew of Hamilton and there were no previous convictions on him although he did know of him. I thereafter went to the Criminal Management Unit where they have various computers and I wanted to check the Criminal Intelligence on Hamilton because obviously what I seen in the note for my personal reference. When I went in there I spoke to Douglas Hamilton and Gordon Munro and a check was carried out.

You wouldn't be able to do the check yourself? - I couldn't do that because I didn't -- I wasn't very familiar with the Textrack at the time; that is the search you do on the computer.

So you relied on them to do it for you? - Yes.

Did the Criminal Intelligence check throw up anything? - Yes, it did.

What was that? - There was one piece of information on Thomas Hamilton. It was only about three lines in total and it was referring to Hamilton trying to set up boys' clubs in Bannockburn area, and because I didn't know Hamilton, I knew nothing about him, I personally actually found that irrelevant because it had nothing to do with a firearms certificate. As I say, I had no idea of this person at that time.

What did it say about him trying to set up boys' clubs in Bannockburn? - That was all it said really. It was very brief. There wasn't a lot of information on it. It just had his name, where he lived, the fact he had either tried to set up clubs or was actively setting up a club in Bannockburn, something like that. I can't actually remember.

It is not certainly in that sort of form the type of material you would expect to find on Criminal Intelligence? - I couldn't say.....

Unless it was related to something else? - Just depends. Criminal Intelligence is just basically snippets of information that, if the police know a character it may be that they have changed their appearance or whatever, and if they know this character and if there is anything different/

different about the character that can help to identify him or whatever, and they put it on. Basically it builds up a picture.

Douglas Hamilton thought that it threw up nothing at all when he gave his evidence. That is wrong? - That is wrong. I read it.

On stream? - Yes.

Nothing was printed out? - No.

And that's the only thing you read; is that right? - Correct.

And you regarded that as irrelevant? - Basically to his firearms inquiry I did.

You actually replied to Sergeant Cowan's note by saying "No trace"? - That is correct, no trace on PNC.

And CI intelligence? - No. There was a full stop after "PNC". "No CI intelligence on Hamilton". I signed it and put "Nothing to stop firearms application going through".

Whatever way we read it then you did contact Sergeant Cowan that there is no reason from your searches why the firearms application should not be granted? - That is correct.

If I can go back and ask you just a little about the circumstances in which you decided yourself that you needed to know more about Hamilton. You went and asked other officers. That was because of something that happened in the house? - Just when I went to do the enquiry at his home address. I recognised him by the photograph on the application. He invited me in, I was only in as far as the hallway. Generally when you go to people's houses they quite like to chat, small talk, invite you into their living room, whatever. I was aware that there was someone else in the living room of the house, I could see through the hinge of the door. Mr. Hamilton closed the door but he didn't lock it and it was slightly open. I remember feeling a wee bit uncomfortable about the fact there was someone else in the house who could possibly hear what we were speaking about. Thereafter, I had taken/

taken a copy on a blank RL3a form with me which I filled in in handwriting and would go back to the office and type up. We went through the form section by section.

Now, something in the course of that disturbed you?  
- It was just basically when I was checking the serial numbers of his guns, just the way -- it may sound strange -- the way he looked at me. It is very difficult to put it in words, you know.

Was it the way he looked at you that caused you to be disturbed in some way? - Yes.

Anything that he did that contributed to that? -  
Nothing in particular, just, as I say, it was just he came over as being very strange.

You have said a bit more than that in a statement you gave about this. Can you help us a bit more, what it was you felt, how it was you felt he was viewing you? - Sometimes people when you are dealing with them, they don't particularly like female officers for one reason or another, and I just got the feeling that he might have thought he could get some kind of reaction from me when we were talking about these guns. I remember when I was completing the form actually having to kneel down, because there was nowhere for me to write, so he was standing up and I was kneeling down. It was as if, you know, he was above kind of thing and he was sort of gloating -- like when he was opening up the oilcloth and showing me the gun it was like "Look what I have got".

So it is at this stage when you are looking at and checking the weapons that you felt most uncomfortable? - Yes.

After/

2 p.m.

After an adjournment for  
lunch.

EXAMINATION CONTINUED BY MR. BONOMY: I just want to look now a little at the Intelligence position when you carried out this check. Could you have a document D10I(iii), which is D Intel F1, and I think it is D10 -- but needless to say the hole in mine has been punched through the number. Now, is that an Intelligence submission with a date 25th of something? - 25th of January.

Which year? - 1995 I think.

Now, the check you were doing was after that date, was it? - I believe so.

This isn't what you saw? - No. The Criminal Intelligence I saw was only that one piece.

My problem is I can't find anything that looks like that at the moment, but I want to look at this just to make sure it isn't what you did see, and secondly, to discover what difference it might have made if you had seen it. You will see that says the following: "There is a previous Criminal Intelligence submission regarding the above named and his activities in connection with young males"; do you see that? - Yes.

And if you go down to the bottom paragraph does it say "There is little doubt that Hamilton's interest in the males does not stem from any footballing interest, and, judging by his past dealing with youngsters and the training, Boy Scout and Youth Ranger sections, he should be considered as a suspicious youth worker"; do you see that? - Yes.

If you go over the page does it say "Hamilton resides by himself at the address given and has been the subject of police interest in the past"? - Yes, that is correct.

"He has not been charged with any crime resultant from these incidents, and will vehemently deny any abnormal associations with youngsters"? - Yes.

And/

And then "This information was received third-hand, that one of the three parents mentioned contacted a friend", and so on. Now, if you had found that piece of information what would you have done? - It is very difficult to say. I would probably have got in touch with my supervisor at the time and made him aware of it, with a view to having it printed off.

You will see it talks about a previous Criminal Intelligence submission, the very first line. That wouldn't have encouraged you to perhaps look a bit further into the Criminal Intelligence system? - Yes, I would have. I would have been looking to find out anything I could about Hamilton, but because there was only one submission at the time when I made the enquiry, then this didn't come about.

Now, if you look at one more, just for the moment, which is D9, and it is also D9I(iii) in the folder I. You will see that is an Intelligence information input form? - Yes.

And it comes from a Constable Farquhar at Bridge of Allan on the 12th of May 1989? - Yes.

Do you see the heading -- can you read the heading for me? - "Indecency file".

And then Hamilton's name, date of birth and address, and then the words "He is suspected of being involved in indecent practices with young boys"; have you got that? - Yes.

Now, if you had that Criminal Intelligence, would that have made any difference to the approach you took to the application? - It is very difficult to say, because at the end of the day he would not get his licence revoked on the Criminal Intelligence. It would be on having previous convictions, and he still didn't have any previous convictions. But I wasn't privy to any of this information, so it is very difficult to say what I would be doing, but I would also be looking to find out what Criminal Intelligence had on him. When you do a search that is what you do, to piece everything together.

You were looking for Criminal Intelligence?/

Intelligence? - Yes.

Therefore it must have had some potential relevance to your investigation? - I was looking for Criminal Intelligence because of the feeling in the house that I had about him -- I just wanted to find out if there was anything on him with regard to his background or behaviour.

But does it not follow from the fact that you were making that enquiry, not now because you were told to, but because you wanted to, that there could possibly be something in Criminal Intelligence that would affect the issue of whether he should get his certificate renewed? - I know what you mean, but could you rephrase that?

Well, perhaps one other way of looking at it would be that Criminal Intelligence information might point you in a direction that gave you enough material, but if your starting point is that convictions are necessary for the decision not to renew the certificate, what good is Criminal Intelligence going to be to a person like you, making this firearms enquiry? - I think probably the only thing I can say is I would probably be able to add my feelings about Hamilton to it. As far as the application goes it wouldn't actually stop him getting his firearms certificate.

Now/

Now, could you look at the RL2a -- sorry, the RL3a which you completed? Can you remember much about completing it? - I remember completing and going through the questions with Hamilton regarding the various sections, in his house -- which I had a blank pro forma form with me -- and filling it in in my own handwriting, and then coming back and typing it on to the paper.

The first question: "Is the applicant a suitable person to hold a firearms certificate?" you have answered "Yes". Now, applying what criteria did you answer "Yes"? - Basically because I have carried out the checks on the PNC and the SCRO, and he has not got any previous convictions. So from that point of view everything regarding the security, which was in order, and all the various sections, he actually did qualify.

Then the second question is to do with his reasons for requiring firearms or ammunition. You have written "Competition and shooting practice with Stirling Shooting and Pistol Club"? - Yes.

Did you make any check with him about how much shooting he had been doing? - When I was in Hamilton's house he basically volunteered -- you know, he had had that many firearms enquiries done he knew the formula they went along, and he said "You will be wanting to see my membership card?" and he showed me it.

Did you check with the club? - No.

So you accepted what he showed you? - Yes.

Did you ask him at all about how much shooting he was doing at the club? - No. He told me that he did do the shooting at the club, and did various different competitions, disciplines and whatever.

Did he give specification of these? - He wasn't particularly chatty.

So you didn't check on what these competitions were? - No.

And you would check his security? - Yes/

Yes.

And it was satisfactory? - Yes.

Now, you then have to sign the form; is that right?

- Yes.

Now, when you sign the form what is the effect of that? What are you actually saying -- "I have done the enquiry, I recommend the grant", or what? - When I sign the form I have completed the enquiry to the best that I can and I am basically signing it to say that the RL3a has been completed and it will be going back to my supervisor.

And I presume you would have signed it even if the answer to some of the questions had been "No", and you had explored that, and even if you thought he shouldn't get the licence -- or is that not your understanding of the procedure to be followed? - Not really. If any of the questions were "No", then obviously that would be getting brought to my supervisor's attention, and I couldn't put my name there.

So you wouldn't be signing it formally? - I wouldn't have thought so. It is all "ifs" and "buts" just now.....

I am just trying to find what the procedure is if the answer is "No", and you are unhappy with the explanation. Is the procedure that you hand the form in without signing it? - Well, I have never had one of those, so I can't answer that.

So you don't know? - No.

Did you ask why he wanted authority to acquire additional weapons? - Yes I did.

And what explanations did you get for that? - The question at No. 4, his words were obviously that he required duplicate firearms because he did different disciplines within his club, and therefore he requested that he could buy the duplicate weapons for competition.

And you just passed on that information? - Yes.

In/

In that form? - Yes.

How long do you reckon you were in the house? - About 10 minutes, 15 minutes.

Now, taking account of what you said before lunch time about his attitude towards you, did you think that he was uncomfortable in female company? - I can't say.

What did you think he was trying to do, then? - I just felt that he was looking for some kind of reaction from me. And it is very difficult to describe the feeling I had.

Did you feel intimidated? - Slightly, but I wouldn't let it show.

I appreciate you have had difficulty answering the question about signing the form, but bearing in mind what you have said, and your view about signing it if you had doubted his fitness, may I take it that the fact you did sign the form meant that you could see no reason why he shouldn't get his firearms certificate renewed? - That is correct. I didn't know a lot about him, so I can't say I doubted his fitness. I felt that I wanted somebody to know that I had been in his house and done the enquiry, and although I found him strange, the fact that he had guns in his house made me want to let somebody know that I had been there and come across this chap and had a feeling about him. That is the only way I can explain it.

But what had you in mind as the reason for conveying that to other people? - Because basically if anything happened I wanted them to know I wasn't particularly happy about signing his form. That is how I felt then, not knowing him.

The person, I suppose, who should really be told that is the person who is responsible for granting it at the end of the day, the Deputy Chief Constable? - Well, obviously I am not going to go and chap his door, but I felt happier when I had spoken to the Detective Inspector at the time and when I was basically told by him that they knew of him and that reports have gone in about him, and he had no previous convictions, and that there was nothing we could do or I could do to stop, or not to sign/

sign his form to allow him to have his firearms certificate.

That is basically what he said to you? - Yes.

And that is by one of the Detective Inspectors? -  
He is now a Chief Inspector.

But he doesn't really feature in the chain of command which is dealing with the application? - That is fair comment. Obviously my supervisor wasn't working the same shift as myself. I would have spoken to him about it, but because I had spoken to PC Stolaker and he knew I was unhappy about this chap Hamilton, he advised me to go and speak to someone.

The man who gave you the note in the first place was Sergeant Cowan? - Yes.

And he actually underlined in the note "Check that this is a definite 'No'" -- in relation to previous convictions. You didn't take from the note that he had an anxiety not unlike your own which might have merited discussing your feelings with him? - As I say, I would have discussed it with him, but for some reason we have either been working different shifts or on leave or whatever. With him putting "a definite 'No'", I took it he meant he was pretty sure there was intelligence on him; and when I checked and there has only been that one piece, that is when I have written back to him.

CROSS/

CROSS-EXAMINED BY MR. CAMPBELL: Even if you hadn't had any feeling about Hamilton, and even if he hadn't intimidated you in the way that you have explained, what did you do to enable you to sign a form to the effect that Hamilton, in January, 1995, was a suitable person to hold a firearms certificate? - What did I do?

Yes? - Well, basically the form was signed by a J.P., who has known the chap for 26 years. He is saying he is of good character. I am not sure what you mean, what did I do?

Well, you had signed a form which is D106L. Part of that form is a question: "Is the applicant a suitable person to hold a firearms certificate?", and the answer to that question is "Yes" -- right? - Right.

On what basis did you answer that question "Yes" -- on what information? - Right -- on the basis that I had no previous convictions on him, that he is known to a Justice of the Peace who has known him for a considerable length of time, and there is basically nothing about him that could stop him being a firearms certificate holder.

Did you speak to the Justice of the Peace? - I can't recall. I think -- obviously knowing how pernicky Sergeant Cowan is, I would have just telephoned him to confirm that he did know Thomas Hamilton, although I have had several warrants signed by Mr. Campbell and I do know Mr. Campbell, and I did recognise his signature. But I would have got in touch with him.

Just to check that he did sign it? - Yes.

Of course it goes beyond just that. You in fact, having met Hamilton, had a very unpleasant experience? - I don't know if it is fair to say an unpleasant experience. At the end of the day it is a feeling I had, and basically I can't stop someone getting a firearms licence because I have a bad feeling about them. Really I don't know what the feeling was, there was nothing on him that would put him as being any kind of risk. The feeling -- it may have been if someone else had done the enquiry they could have come away thinking he was pleasant, or/

or whatever.

I'm a little puzzled, because you are not being asked to determine whether he does or does not have a firearms certificate. You were asked: "Is he a suitable person to hold a firearms certificate?" - Well, I can hardly say he is unsuitable because I had a feeling about him, but I couldn't explain what it was about this man.

You see, in the statement which has been provided -- and confirmed in your evidence-in-chief -- you say that you did not feel threatened by him, "But I did feel he might have intended in some way to intimidate me in the manner in which he unwrapped his Smith and Wesson revolver". Now, if you as the investigating officer feel that you have been intimidated by the applicant, by the way in which he treats you, is that something which is at all relevant to his suitability as a person to hold a firearms certificate, in your view? - Again I would say that everybody can interpret different things -- I can't really answer that, I am afraid.

Does it come to this, that having gone to a more senior officer and communicated your feeling to him, the message to you in a nutshell was "There is no criminal convictions so there is nothing you can do"? - Basically, yes.

Who was that person who said that to you? - My Detective Inspector -- Detective Inspector Anderson at the time.

Were you encouraged by anybody to record in a formal manner that you had concerns about the way you were treated? - No.

Do I understand, if I have understood what you have been saying correctly, would it be fair to say that you were hoping that you would find evidence in the search of the records which would justify refusal? - Yes. I was hoping that there would be something else that would back up my feeling. As I say, it was only a gut feeling that I had, and because there was nothing else there I felt maybe it was just me misinterpreting his manner.

Now, more generally, your role, if I have understood matters correctly, in addition to completing/

completing the form which we have seen, was to generally check the terms of the application with the applicant? - Yes.

You would check security of the guns? - Yes.

You would check that the guns tallied, presumably, with the declared information? - Yes.

And the ammunition? - Yes.

You would check that the counter-signatory signed the counter-signatory part of the form? - Yes.

And you would check that the applicant was a member of a gun club, as he said he was? - There is no actual requirement to check that they are a member of the gun club, although he did show me a membership card.

So did you do any checking on that, apart from that?  
- No.

Was there anything else that you were required to either check, or investigate and confirm? - Not that I recall.

This is something -- a procedure which you have carried out, I take it, on a number of occasions? - No. That was the first one I did.

That was the first one you did? - That was the first one I did on my own, but there was nothing wrong with the security or anything else in his application.

Perhaps just moving away from this one specific case, either from your experience before or since, what we have just been through is a comprehensive list of the matters which would require to be checked or investigated by the officer concerned in this part of the renewal process -- yes? - Yes.

So would you agree with me that in effect apart from relying upon the counter-signatory's declaration, the terms of which we can read for ourselves? - Yes.

And/

And a check on criminal convictions, nothing else is done to check whether the person is a suitable person to hold a firearms certificate? - No.

You would agree with me? - I would agree.

Is/

Is anything else done at the time when a certificate is applied for for the first time? - The application form, the renewal and the grant, are basically the same.

So the procedure and the checks are the same whether it is a renewal or a first time application? - Yes. If he had been applying to shoot on land or anything like that and it was the first time, you would get that in writing from the landowner but if it was just a renewal then obviously just contact with them would be sufficient.

Would you agree with me that this is a wholly inadequate system for finding out whether a person is or is not suitable for a firearm? - Yes, I would agree with you.

CROSS-EXAMINED BY MR. GIBB: You have indicated that you only did four shotgun renewals and only one firearms. Why did you get this renewal to do? - Basically because I work as Community Constable for St. Ninian's and the Braehead areas and basically he resided within the area which I covered.

And all you got was the present certificate and the application? - Yes, which obviously had been completed.

You didn't get any sort of protocol or brief resume of the firearms legislation which would enable you to refresh your memory as to what the Acts said about people who hold firearms. That was not given to you? - The only other thing is obviously the Standing Orders that are kept within Headquarters but there is nothing else given. As I say, I had been with other persons when they had carried out enquiries.

But here is a one-off enquiry that you don't do very often and you were not given even a copy of the relevant Section of the Act which showed what people who hold firearms certificates require to be? - No.

I think we have heard evidence of the training/

training that you get at Tulliallan. Did you attend both the basic training course and the advanced training course? - Yes.

And do you recall as part of these training courses periods dealing with firearms? - Yes.

I think we heard there were five 50-minute periods in the initial course and I think three in the second, in the advanced? - I couldn't honestly tell you.

But you got course papers with it and again I think we have heard evidence that these course papers were not as full as they might have been about the criteria in relation to holding firearms certificates? - Yes.

In your view is it appropriate that someone such as yourself should carry out a firearms enquiry with the information you had available at that time or do you consider in hindsight you should have had more information? - My personal view does not really come into it. I would say basically I had got an enquiry to do and I have to do it.

You had this gut feeling and you went to speak to a Detective Inspector, is that right? - Yes.

Who was that? - John Anderson.

Did he suggest that you might put in a Criminal Intelligence memo? - No.

Did he suggest that you might qualify your report, your RL3a, to simply make a comment about your gut feeling? - I basically went to him because I didn't know Thomas Hamilton and because he had had an effect on me which I was not particularly happy about. I wanted to know if the Detective Inspector knew of him because obviously, as I say, he would not have had any previous convictions if he is holding a firearms certificate and if he didn't know about him I wanted him to know I had been in his house and I found him strange and because he clarified that by saying "Yes, we know of him, there has been reports gone to the Fiscal's in the past, Paul Hughes put reports in", or whatever, because he knew/

knew of him I felt happier in myself that it just sort of confirmed that he was particularly strange and it wasn't me that just found him like that.

But you indicated earlier you certainly would not go and knock the Depute Chief Constable's door? - No, hardly.

Did it occur to you you might put some sort of additional paper with your RL3a simply expressing your concern? - No, because at the end of the day it is just a feeling.

Well, it may be just a feeling but we have heard a lot about feelings in this case? - Yes, I know that.

Clearly if you had put such an addendum on to the Chief Inspector's report it might have.....? - It wouldn't have made any difference.

But you see, we know that it goes up the line. You enquire into the facts. You do the basic enquiry? - Yes.

And you didn't see other intelligence logs that clearly were somewhere? - No, I only saw the one entry which I described to you.

CROSS-EXAMINED BY MR. TAYLOR: One of the checks which you carried out, one of the computer checks which you carried out, is in relation to the Scottish Criminal Records Office, isn't it? - Yes.

And when one looks at what is contained on the SCRO one finds that there are cases pending? - Yes.

And if you on checking SCRO discover that a case was pending and you were in the course of your firearms investigation at the time, would that be a relevant consideration? - Yes, I would have thought so.

And if the offence which was pending was sufficiently serious, would that give you some grounds for concern as to whether there ought to be a renewal? - Yes.

And/

And does it therefore follow from that that it would not just be in the case of a conviction that you would consider the refusal of an application? - Yes.

When you spoke to Inspector Anderson I think you have just told us when answering questions put to you by Mr. Gibb that what you were told was that the police knew of him, that there had been some reports made to the Fiscal in the past and I think also reference was made to the then Sergeant Hughes' memo, is that right? - Yes. Well, he told me that the Family Unit had put in reports regarding Thomas Hamilton and basically that they did know of him because I said to him that I obviously felt quite unhappy and he said there were no previous convictions and there is nothing we can do about him.

Well, is that right? - Yes, he did mention that reports had been put in, that there were a number of reports put in by Paul Hughes and various people.

Yes, but the bit that I am wanting to clarify is the bit which you added on just at the end there when you said that because there were no previous convictions there was nothing which you could do? - Yes.

I mean, are you sure that is not something which has developed in your mind since then? - No.

I mean, you have just told us that is however not the test, haven't you? - Sorry?

You have just told us a few minutes ago that whether someone has previous convictions is not the test? - No, he didn't have anything pending when I made the enquiry. That would obviously have made a difference to it.

Would it be fair to say that since the events of the 13th you have been under quite some pressure? - Yes.

And you have felt quite emotional at times about what has happened? - Yes.

Would/

Would it be also fair to say that some of your concern about Mr. Hamilton may have become more acute since the events of the 13th? - It is difficult to say. I can't answer that.

Well, can I look at it this way then; you have told us a little bit about Criminal Intelligence. How is it that Criminal Intelligence is built up within Central Scotland Police? - Basically officers put in submissions regarding an individual, snippets of information, some knowledge that they have, which helps us obviously to build up a picture about a particular character.

And how are officers told about Criminal Intelligence and their role in providing information to Criminal Intelligence? - It used to be that you filled in a handwritten or typed submission on a form which was actually a form with four copies. It now goes on to a computer system. You have to put it in manually and then if you want to refer to it you have to carry out a search.

I am looking more to know when it is that something ought to be put on to Criminal Intelligence. What sort of guidance are you given as to what sort of material you should be referring to Criminal Intelligence? - Just basically if you feel that you have heard or you have seen something of some relevance that might help someone else with further investigations. You would put that on.

Now, you didn't do anything such as that after you had met Mr. Hamilton in the 1995 renewal, did you? - No, I didn't.

So does it follow therefore that the feelings which you had after meeting with him in his house did not perturb you sufficiently to cause you to put something on to Criminal Intelligence? - That is correct, because at the end of the day he didn't point any gun or anything at me. It was down to a feeling that I had about him.

Yes, you would not have been able to formulate any reason which would have been able to stand up to any scrutiny as to why he should not get a firearms certificate? - Yes, that is correct.

What means did the police have available to/

to them in order to make checks on individuals? What records do they have which they can research to make checks on individuals? - Obviously you have the PNC and SCRO computers and you have what we call the trace terminal.

That is Criminal Intelligence? - That would be part of Criminal Intelligence. Not everyone can search Criminal Intelligence if they have not been shown.

But everybody knows about it? - Yes.

And everybody can access it if they choose to access it? - They can ask someone to do it for them if they can't work it themselves.

In the same way as you did? - Yes.

So we have got the Police National Computer and the Scottish Criminal Records Office and we have got Criminal Intelligence. Is there anything else which is available? - Not that I can think of.

You see, it was suggested to you and you agreed with the proposition that the procedures which you adopted when carrying out this enquiry were inadequate. Do you remember that? - Yes.

And I was wondering what further checks you think you could have done from those which you did? - Well, I am hardly in a position to change the law. I mean, it is not for me to look into. It may well be that someone obviously a lot higher up than me could make these changes, you know.

So does it come to this then; that it is the law you think is deficient as opposed to any procedures of Central Scotland Police Force? - Yes, absolutely.

You were also asked one or two questions by Mr. Gibb, that is the gentleman sitting three along from me, in relation to the courses which you attended at Tulliallan and the adequacy of the documentation which was presented to you at that time. Can you recall clearly what was contained in such documentation at this stage? - Not at this stage, no.

So/

So any comments that you made upon the adequacy of that have to be looked at in the context that you can't remember clearly what was there, is that correct? - I suppose if you put it like that, yes.

THE DEAN OF FACULTY: My lord, I wonder before Mr. Bonomy comes in, if I can really seek clarification through your lordship on one matter.

In view of the questions that my friend Mr. Taylor was asking this witness, can I just establish through you, sir, that Central Scotland Police Force is not dissociating itself in any way from Constable Anderson and that it accepts that what she did was in accordance with the procedures and the system then in force because if not, clearly I would want to make representation.

LORD CULLEN: Well, Mr. Taylor, what is your position?

MR. TAYLOR: I am quite happy to give the assurance which is requested by Mr. Hardie, that Central Scotland Police Force is not in any way seeking to suggest that this witness has done other than that which she ought to have done.

LORD CULLEN: Very well. Now, Mr. Bonomy?

RE-EXAMINED BY MR. BONOMOY: I just want to ask about one matter which I should have found earlier but I found while cross-examination was proceeding. Can you look at one other Intelligence entry please which is No. II? Now, I know that this is too long for it to have been the entry that you say you saw on the screen but can you read the first paragraph of the entry please? - The heading is "Matter of Interest/Person of Note" and the first paragraph is "This evening I was contacted by a member of the public from Hillpark who was expressing his concern for a youth club which was or is presently being run at Bannockburn High on a Tuesday evening".

Just stopping there. If we forget the rest of this for a moment, is that entry similar to what you say you saw on the screen? - What I recall or pieces of what I recall about the entry was that Thomas/

Thomas Hamilton from 7 Kent Road was either in the process or was applying to set up a boys' club in Bannockburn so it could refer to that.

Now, what is the date of this entry? - 13th February 1995.

And if you look please at the RL3a form, which is D106, what is the date of your signature? - 13th February 1995.

Now, does that make it impossible that we are actually looking at the right entry? - Yes.

I mean, how long before you signed the form was it that you did the check? - I can't actually pin down when I actually did the check. However, I know in the week prior to that I had been on sick leave and when I had done the home enquiry and came back I would have had the RL3a in my handwriting. I was on a course actually on the 13th and I came in knowing that the renewal date was coming up very soon and I didn't want the application to run out so I came in from my course and typed it and then submitted it.

Well, was the Criminal Intelligence check done days before? - Yes, before I had been off on sick leave. But it would appear to be relevant, along these lines, but this is not exactly what I saw.

JAMES/

2.50 p.m.

JAMES MOFFAT (49) Sworn

EXAMINED BY MR. BONOMOY: Are you a Chief Superintendent with Central Scotland Police? - I am, sir.

How long with the police? - 28 years.

Now, you had some responsibilities to undertake in respect of renewal of the certificate of Thomas Hamilton in February, 1995? - That is correct.

Would you have various documents in front of you. These are the application itself (D91), the RL3a (D92) and what we know as D92, a separate piece of paper that accompanied the application. At some stage did you deal with this application? - I did, sir.

And if you look at the RL3a form can you tell us at what stage we see signs of your involvement? - On the second page, on the reverse side I should say, in the second last paragraph which is marked "To Chief Constable".

You have stamped it. Are these your initials on the right-hand side? - That is correct.

What forms did you have in front of you when you dealt with this? - The form RL3a, the firearms form DMT101 and the applicant's firearm certificate.

Did you also have the note that is there? - I have no recollection of that note.

What is the job you were doing at that point in processing the form? - To satisfy myself that all relevant checks had been carried out by the reporting officer, validate the details on the firearms certificates -- correction, the firearms themselves -- and either recommend or not recommend that the renewal should go ahead and then pass the relevant correspondence onwards to the firearms licensing section.

So/

So if the answers which are given to the various questions justify recommending grant when viewed against the background of how those are normally dealt with, and the paperwork looks as though it has been completed properly, is the course you would follow to recommend grant of the application? - That is correct, unless I had other reasons or other information that would cause me to take a different course of action.

Did you have any information that caused you to hesitate about recommending the grant of this application? - No sir.

Did you know Hamilton? - I knew of Hamilton but I had never had any direct contact with the gentleman.

Did you know about a police investigation into his camps, for example? - I knew that there had been a police involvement with Hamilton and that he had subsequently complained against Central Scotland Police but that was my limit of my knowledge of the man.

Did you know of complaints that were coming in about the way in which he conducted clubs in the area? - I was aware of gossip, uncorroborated statements regarding Hamilton and the boys' clubs that he was involved in.

And were you aware though that other people have actually made complaints to the Family Unit. While no action had been taken on these I think the Family Unit had taken them seriously? - At that time, no.

No cross-examination.

MAUREEN JOHNSTONE (23) Sworn

EXAMINED BY MR. BONOMOY: You work in the Firearms Department of Central Scotland Police? - That is correct.

What is the title of your job? - Firearms Certificate Disposal Officer.

How long have you held that job? - About five/

five years.

Who did it before you? - Maria McEwan.

Exactly the same job? - No, Maria McEwan would be called a clerical assistant.

What is the difference between the job she did and the job you do? - The difference between what Maria McEwan did and what I would do is that when the work comes to myself I would look at the paperwork, assess it as okay, process it, and put it straight through to the Deputy Chief Constable.

What did she do that was different? - She would put it up to the Chief Inspector.

Before going to the Chief Inspector was she essentially doing the same job as you did? - Yes.

Can you tell us in a little more detail what it is you do in relation to applications for grant, renewal and variation of firearm certificates? - When the grant of a certificate is received at Headquarters we would, the paperwork is sent out, we would send it out a station and get a reporting officer to go and see the person. Once the paperwork comes back to myself there would be either an RL3a or an RL3b completed, and once the RL3a or b is completed we would check the paperwork, see the person's reasons, their security, check their guns, the counter-signatory and the photograph, and once it is all complete we would then process the paperwork.

You are taking that on the face of it the answers given are adequate and are consistent with your historical records of what that person has had in the past, for example? - That is correct.

And are you saying that applies to both grant and renewal? - The only difference between grant and renewal is once we receive the grant it goes for a check to the department that the renewal does not go to. It would go to a Special Branch Department who would check.

What check would they do? - They would check/

check the records to see if they had any note of that person.

Now, this is a specialised area of police activity? -  
Yes.

Have Special Branch got their own Criminal Intelligence records? - I don't know the answer to that. I don't know.

You mentioned a form 3b. We have seen a few 3as in our time but what is a 3b? - It is a form for a shotgun certificate.

And serving the same purpose but in relation to a shotgun? - Yes.

Does the work you do differ when it comes to a variation? - In what way?

Do you do the same things with a variation or is it not as formal as the system you have told us about for a renewal or grant? - When we get a variation we would do as much checking as we would do on a renewal and we would ensure the form is complete and the historical paperwork we have and the application form we have tallies together.

Is there an enquiry done by an enquiry or reporting officer in relation to a variation the same as that in relation to a grant or renewal? - Yes, we would expect the officer to do the same enquiry into a variation as they would for a grant or renewal.

Is an RL3a form completed? - Yes.

Do you have at your fingertips figures for the number of certificates held by firearms and shotgun holders in the Central Region? - The exact amount?

Yes? - No.

What is the closest estimate you can give from your knowledge of the system? - About 1200 firearm certificates and about 3,000 shotgun certificates.

If/

If a renewal is being dealt with by Mr. Lynch who has explained his role to us already is it handled or is it not any differently from the ones which are being dealt with in areas he does not cover? - No.

The Central Scotland enquiry began into events on 13th March and it would be necessary to go to you, would it, to find the firearms records relating to Thomas Hamilton? - Yes, that is correct.

Did you turn them over to the investigating officers?  
- Yes, that is correct.

Could you describe to us just what these records were, just in general terms, what they were and how they were stored and kept? - They were kept in a manual file which is in numerical order and consisted of all applications and all documentation we would have relevant to that certificate holder.

So that documentation would relate to past grant and renewals? - Yes, and variations.

Did the file have copies of his firearms certificates in it? - Yes.

Did it contain much in the way of ancillary information about police inquiries into Hamilton? - No.

Did it contain anything of that sort? - No.

Did it contain anything in the way of Criminal Intelligence inputs in relation to Thomas Hamilton? - No.

You may be relieved to know I am not going to go through your statement and all the documents that you had some dealings with; I simply want to ask you about a number of matters that you can help us with. One transaction that is mentioned is the private sale of the firearm to Hamilton. Can I ask you what the system is for informing the police if a private firearm owner sells his firearm to another private owner. How does that differ from the situation where the gun is sold by a dealer? - What would happen would be the person/

person selling the firearm should make an entry on the Table of the person to whom he is selling the firearm to and he then has within seven days of the transaction to send by Registered or Recorded Delivery a notice to the Chief Officer of Police by whom the certificate was granted that he has sold the firearm.

Does that mean there is no difference between a private sale and a commercial sale? - No.

No difference at all? - No.

Which Police Force does the seller notify of the sale? - When he makes the entry on the certificate he should notify the Chief Officer of Police by whom the certificate was granted. He should notify the Chief Officer of Police for whom the certificate was granted.

If Mr. Hamilton goes into a shop in Glasgow and buys a gun that should be entered on his certificate? - Yes.

And the shop should send the notice to the Chief Constable of Central Scotland Police? - That is correct.

Have you had experience of sellers in a private sale sending notice in fact to their own local police rather than to Central Scotland Police? - Yes.

Is that acceptable? - No. What would happen in these circumstances is we would send a copy to the Police Office.

Could you look please at Production No. D34. It may be ME17. I am looking at a membership card for the Clyde Valley Pistol Club. Was that card on the file? - No.

So you had never seen that before? - No.

But it is a membership card of the Clyde Valley Pistol Club; is that correct? - Yes.

In the name of Thomas Hamilton? - Yes.

And it has the club secretary's signature on/

on it; is that right? - Yes.

Is it "McFarlane"? Is it illegible to you? - Yes.

And it covers season 1985-86; is that right? -  
Correct.

But that didn't come from your folder? - No.

Could you look please at FA39 now which is an  
application dated 15th March, 1987? - That is correct.

Is that an application for variation? - Yes.

Is one of the variations to add a 7.62 rifle? - Yes,  
that is correct.

And does the form include the declaration that  
Hamilton already possessed 100 rounds of 7.62 ammunition? -  
Yes.

Even though he didn't have the rifle? - Yes.

Is that okay? - I would have to look at the  
application before to see if he was allowed to purchase or to acquire  
a 7.62 rifle before.

Can/

3.10 p.m.

Can I take it from that answer that if you have authority to acquire a 7.62 rifle you thus have authority to acquire ammunition? - That is correct.

But that you ought not to have ammunition before you have got authority to acquire the rifle? - That is correct. You would need to apply for the rifle and then you would automatically get the ammunition or you would have to apply for the ammunition.

LORD CULLEN: Do you want to refer to an earlier document, Mr. Bonomy? D50 I think is the certificate of the year before. The 31st January. That varies referring to a 7.62 rifle and 100 rounds of 7.62 ammunition.

MR. BONOMY: I wonder if I might have a moment because I want to deal with this here and now. This has arisen once or twice, sir, in the course of the evidence.

EXAMINATION CONTINUED BY MR. BONOMY: So it follows I think from what you have said that once a person has authority for the weapon and the accompanying ammunition there really is no reason in law why he should not acquire the ammunition without ever acquiring the weapon? - No.

And each time he renews his certificate and he has not acquired the weapon but his application discloses that he has ammunition, there is nothing that you would do about it? That would be acceptable? - In normal circumstances, no, we would not query it.

Now, can I ask you please to look at FA68. Does that have a D number? Is there a number on the top right-hand side? - No.

MR. BONOMY: Sir, I'm sorry I don't know the number for this.

LORD CULLEN: Do you have a date?

EXAMINATION CONTINUED: Can you confirm that is a Criminal Intelligence submission which is dated/

dated the 1st September 1995? - That is correct.

It is irrelevant for our purposes in connection with the renewal but are you able to tell me whether that was on the file?  
- It was not in his file until the day after the incident. I was given the criminal intelligence submission.

Who gave it to you? - Depute Chief Constable Mr. McMurdo.

And did he give you that on the 14th March? -  
That is correct.

Now, this is a submission by one of the constables of Central Scotland? - Yes, that is correct.

Does it name anyone? - A police officer?

No, does the submission give you a name of any complainers or any people? - I don't understand the question?

Is there any person named in it? - Apart from Thomas Hamilton?

Yes? - Billy Caven.

LORD CULLEN: That is D12 I(iii).

MR. BONOMY: Thank you, sir.

EXAMINATION CONTINUED BY MR. BONOMY: I think it records that on the 28th August 1995 a reporter contacted the office to inquire about Thomas Hamilton, is that right? - That is correct.

And that was in relation to a letter dated the 18th August which had been posted through letterboxes in Dunblane and signed by Hamilton? - Yes.

Does it go on to say "The gist of this somewhat rambling letter is basically Hamilton attempting to dispel any doubts parents may have regarding rumours he thinks are circulating about him"? - That is correct.

"Also/

"Also circulating is a hand bill advertising the re-opening of Dunblane Boys' Sports Club on Thursday, 7th September, 1995 at Dunblane High School gymnasium"? - That is correct.

"(The reporter) has spoken to Hamilton and also to local reporters who filled him in with Hamilton's background", is that right? - Yes.

And then it says "(The reporter) is no longer interested in looking into this matter any further", is that right? - Yes, that is correct.

If someone noted when your statement was taken that there were 3,420 shotgun certificate holders and 1,214 firearm certificate holders in the Central Police area, does that sound right to you? - Yes, that sounds correct.

Now, you have certain training duties for police officers? - That is correct.

What are they? - We give lectures on Module 8 to probationary constables.

On what subject do you lecture? - On firearms administration.

And can you tell us the sort of areas that covers? - We would go through the process of firearm or shotgun grant or renewal and explain to the constables the processes that they go through and also other aspects of firearms administration.

You will given a document just now which is a police document and it says "Firearms Licensing" which should have been handed over this morning some time which will have the number R38 if it has not already been numbered. Now, what is that document? - This document is a package that we give out after we have given the lectures to the probationers and this basically goes over everything that we have gone over the lecture.

Apart from yourself, who lectures in firearms? - Both myself and Norman Lynch, my colleague, give lectures on everything which is within here.

It deals with things like what is a firearm/

firearm and what is a shotgun, is that right? - Yes.

It deals with a number of things like certain offences and possession by minors and so on? - That is correct.

It also I think deals with security which is something that officers do have to know about if they are carrying out these firearms inquiries, is that right? - Yes.

And it deals with cabinets and clamps, is that correct? - That is correct.

I take it all of this material is submitted in the course of the lecture? - Yes.

Do you deal at all with the question of what would amount to a good reason for a person applying for a firearm certificate? - Yes.

Can you tell us what sort of instructions an officer is given on that? - We would explain to the officer that if a person is applying for a firearm certificate, if it is for the use of sport that we would require written permission from the area of land over which they are shooting on and that would need to be from the landowner who would permit that. If the person is applying for a firearm certificate which is for target shooting we would expect a letter to be given from the Club Secretary to say that that person is a full member of a Club.

Now, if you go to the page which is headed "Firearm Certificate", do we see on that page reference to good reason and that there must be good reason for requiring each gun? - That is correct.

And does it also say what we have seen elsewhere, "A certificate for a handgun with ammunition will not be granted (except in very rare cases) unless the applicant has regular and legitimate opportunity of using the gun, for instance for target practice as a full member of a pistol Club. To obtain full membership of a Club it is normal that a six months' probationary period is served"? - That is correct.

And/

And you talk about the initial written permission from the Club, is that right? - Yes.

And it goes on to say "If the applicant is applying for Club use then the Club must be one that is approved and recognised by the Home Office"? - Yes.

Do you give any instructions to police officers on the elements of a person's character that have to be considered and some decision taken upon before the application is granted? - We would say to the officer that when they were out doing the inquiry, the question on the RL3a and RL3b is is the applicant a suitable person and if they think that he is suitable they would put a yes or a no. We would also explain to the officer that if they had any doubt at all of the person they are doing the inquiry into then they should note that on the RL3a or RL3b.

Any doubt at all? Now, what does that mean? - I mean if they found a person was of intemperate habits or they had numerous previous convictions or they did not have legitimate use for the gun or good reason.

So you are thus instructing the officers on the language used by the statute when you talk about intemperate habits but that is a bit different from simply being in some doubt about a person's character? - Well, we would say to the officer that if at all they felt that there was a reason that the person was not suitable to have a firearm, we would tell them to put it on the form.

And do you give examples of the sort of reason that would make a person unsuitable? - Yes.

Can you tell me again these examples that you gave? - We would say to the officer if they felt that the person had a drink problem or a drug problem or, as I say, if they felt they didn't have legitimate use or good reason to have a weapon, we would tell them to note that on the form. If they have local knowledge as well of the person.

BY LORD CULLEN: Is there some standing instructions for that purpose? Is there somewhere where all of this is written down in black and white?/

white? - No.

EXAMINATION CONTINUED BY MR. BONOMY:

Now, did you ever speak to Thomas Hamilton? - Yes.

How often was that? - I spoke to him I think that I can recall on two occasions.

What about? - The first time I spoke to him was with regard to him putting his firearm certificate in to have a condition attached for expanding ammunition. I returned the firearm certificate to him stating that he didn't need a condition to be put on because the ammunition which he held did not require the condition. The second time I spoke to him was when he had acquired a gun from a gun dealer and he was not happy with the weapon and he phoned me to inform me that he had returned the weapon to the dealer.

Do you remember where the dealer was based? - If I recall correctly it was York Guns that he had dealt with and that he had got the weapon from.

We heard evidence from someone from York Guns. Can I take it that he would be doing that because he would be expecting you to be notified of the transaction? - That is correct.

And he was effectively cancelling the transaction? - Yes, he phoned us up to say that the gun had been returned to them and that it was no longer in his possession.

Did either of these conversations give rise to any anxiety or concern on your part about him being the holder of a firearm certificate? - No.

Since you have mentioned the question of expanding ammunition in this context, can you explain a little more for us why there was a problem over that subject? - He put his certificate in and asked that he have a condition put on it for expanding ammunition. At that time we had a Scottish Office circular which showed you types of ammunition on two lists. One list had ammunition that didn't need a condition put on and the other list had the ammunition that did need a condition put/

put on. When he put his certificate in for that condition to be put on, when we checked it against the list he didn't need the condition put on for expanding ammunition.

And did he know of somebody else who had had a condition in similar circumstances added to his certificate? - I believe so, yes.

And was that a mistake or was that interim measure that had been resolved or not? - Yes, what had happened was that we had received notification that all expanding ammunition was to have a condition put on. What we did was put the expanding ammunition condition on the certificates held at the time and later there was the Scottish Office circular saying some types of ammunition did not need the condition so that is why he didn't need it.

And the condition you are talking about is a condition especially to allow a person to possess that type of ammunition? - That is correct.

There does not sound as though there was anything sinister in that from Mr. Hamilton's point of view, was there? - No.

CROSS-EXAMINED BY MISS DUNLOP: Can you tell us please what you did when you left school? Did you go straight into the police? - No, I worked for one of the local Councils here in one of their offices first.

And when did you join Central Scotland Police? - On the 8th August 1988.

And at that time you would have been what, about 16? - Yes.

What/

3.30 p.m.

What has been your progression within the Force? - When I started I started off in the mail room and from there went into the Accounts and Administration Department and from there on I moved into the Firearms Section.

You explained that in March you withdrew Thomas Hamilton's firearms file; you were asked to do that following this incident? - Yes.

Contained within it were all the firearm certificates going right back to the first one for 1977; is that correct? - That is correct.

And in some cases there was both the original and the copy? - That is correct.

In fact, in your statement -- it may be difficult to find because there are no page numbers on my copy of your statement - you do list at one point all the firearms certificates which were in the file and they were all there when you looked? - Yes, that is correct.

Was there any record in them of when they had been placed in the file? - There would be a date when the certificate was signed by the Deputy Chief Constable. What would happen is we would post the original and take a photocopy of the original and put it in the file on that day, so it would be round about that time.

But the original certificates which were found within the file must have been returned by Mr. Hamilton at some point? - Yes, that is correct. What happens is when Mr. Hamilton applied for a renewal he returned his original certificate along with the renewal papers.

But in the period before somebody asks for a renewal certificate they may need their certificate. You send it out to them and they send it back or.....? - What happens is when they put in renewal papers they put their original certificate in along with the application form.

And you hang on to the previous certificate?/

certificate? - Yes, correct.

You told us that the Criminal Intelligence submission which is D12Y3, that is the form relating to the reporter from the Daily Record, was given to you by Mr. McMurdo the day after the incident at the school? - That is correct.

What did Mr. McMurdo tell you to do with that document? - To place it in the file.

In the firearms file? - Yes.

Did he give you any idea why you were to do that? - No.

One of the checks that you said may have to be made on an applicant was that he had permission to shoot over land. If he was seeking a firearm for the purpose of shooting over land it has to be checked that the permission he has is given by the land owner? - Yes.

Can you explain what is the nature of the check made in these circumstances is? - We would ask the landowner or the person who has the shooting rights on the land to issue a letter to us saying that the person is being permitted to shoot over the land and it is suitable for the calibres of weapon that he is applying for.

Do you make any independent checks that person actually owns that land? - That would be for the enquiry officer to do that.

One of the examples you gave of something which might make a person unsuitable was if they had numerous previous convictions? - Yes.

Is that on the view that one or two previous convictions would be all right? - It would depend on the type of convictions.

But if a new constable attending one of your training courses asked for some examples of the sort of things that would disqualify a person you would give an example such as the one that you have given today, like intemperate habits or numerous previous convictions? - Yes.

BY/

BY LORD CULLEN: How is the constable to know when convictions become sufficient numerous or sufficiently serious? - We would ask the officer obviously to put a copy of the previous convictions in with the application and judge each conviction on its severity. We would say to the constable if there was, for instance, somebody with two or three convictions for serious assault then it may be found the person isn't suitable for a firearm or -- I mean, we would also ask the officer if somebody applied for a firearm certificate or a shotgun certificate and he had 30 or 40 convictions to look at each conviction and determine again whether or not they are suitable to have this licence.

CROSS-EXAMINATION CONTINUED BY MISS DUNLOP: How many members of staff are there in the Department? - At this moment in time?

Yes? - There is myself, my colleague Norman Lynch, we have a cadet working with us and we have a sergeant working with us.

Have you been there longer than Mr. Lynch has? - We roughly started round about the same time, 1991.

Who is the senior member of the Department? - Chief Inspector Colin Mather.

But the day-to-day running, who is in charge of the Department? - From the administration point of view?

Yes. Who oversees the job that you are doing? - Chief Inspector Colin Mather.

But he presumably has other responsibilities within the Force? - Yes.

How often do you see him? - We would go and see the Inspector first obviously if there was a problem with some of the certificates. If it was a serious problem and we were to decide somebody maybe wasn't suitable we would go to the Chief Inspector and discuss it with him.

If the Chief Inspector doesn't hear from you she assumes everything is working well? - That is correct.

CROSS/

CROSS-EXAMINED BY MR. GIBB: How frequently are you in contact with the Inspector? - We could be in daily contact with the Inspector if need be.

In practice, does it work out that you are in daily contact with her? - Do you mean is she available daily?

No, I take it she is available daily? - Yes.

In terms of how often are you in fact in contact with her? - I would only go and see the Inspector if there was a problem with one of the applications.

So how frequently are you in contact with her? - Well, I would probably say I would have been in contact with her at least once a week anyway.

You won't know what sort of contact she then has with the Chief Inspector I take it? - No.

BY LORD CULLEN: Who are you referring to? Who is the Inspector? - Inspector Dewar.

CROSS-EXAMINATION CONTINUED BY MR. GIBB: The Chief Inspector I think you told us is Colin Mather? - That is correct.

We have heard some evidence at the Inquiry that if an officer finds any trace when carrying out a PNC or SCRO check he gets a print-out and that he appends that to the RL3a when submitting it up the line? - That is correct.

So if there is any trace that is something which is put up for discussion with the superior officers? - Yes.

RE-EXAMINED BY MR. BONOMOY: The role of the Inspector has been raised with you: can I take it from what you said that most applications will go straight from you to the Deputy Chief Constable? - That is correct.

Only if you see a problem do you raise it with the Inspector? - That is correct.

How/

How long has that system been in force? - Roughly since about May, 1995.

What was the system before that? - Once the paperwork was received and processed by myself all files would go to the Inspector, so I would see the Inspector on a daily basis for all renewals, variations and grants.

Why did that change? - I think it was due to the HM Inspection. It was felt we were working with the job and it would be better to go from ourselves direct to the Chief Constable.

JAMES MARSHALL (47) Sworn

EXAMINED BY MR. BONOMOY: You are a Chief Inspector in Central Scotland Police? - I am.

And how long in the police? - 28 years service.

I am going to ask you about one matter before I get to the meat of your evidence. I am not having a good run with the Productions but the reference to this may be D53. It is an AD2 form dated 29th January, 1986 (FA36). You have been mentioned in dispatches in relation to this form. I think we may find your initials are shown on it? - That is correct.

Your initials appear on the handwritten note to Sergeant Binning? - Yes, that is my handwriting.

You wrote that note. Do your initials appear on the AD2a as well? - Not on the AD2a. That is Acting Chief Inspector Mill.

Now, do you remember this? - Very vaguely. It is 10 years ago.

We see it says "Apparently it is unlikely a second 9mm pistol will be granted". Was that something you were relating on behalf of someone else or was that personal knowledge or can you not remember? - I believe I had a conversation with a senior officer as Force Standing Orders say just cause/

cause for purchasing or acquiring a weapon of the same calibre as you have already held on the certificate is required, and a 9mm Browning -- he already had a 9mm pistol.

Was it you who was raising this with a senior officer?  
- I honestly can't say how the conversation started. I believe someone mentioned it to myself first.

What was your role in this particular application that led you to write the note at all? - To check the relevant enquiry by the enquiry officer who was the constable who did the original enquiry.

Would you also have D52 which is an RL3a form. Do we see your initials anywhere on that? - That is correct. Immediately under "Station" in the middle of the form.

The reporting officer signed it apparently on 12th January? - That is correct.

The AD2a is dated 29th January? - That is correct.

So can I take it it looks as though you instructed this additional check after the RL3a form was submitted to you? - Yes.

And the check resulted in material information about Hamilton's reasons for wanting these two additional weapons? - Yes, that is correct.

Did that pass muster with you? - It didn't go through me at that stage.

At all? - It has gone through the Acting Chief Inspector who was above myself.

How then has it got your signature on the RL3a? - Because the form originally came through myself.

Does that mean you have signed the RL3a before initiating the enquiry? - The conversation came after my signature.

If I can turn to the other matter that you/

you are able to deal with: I think you have certain responsibilities in regard to firearms officers within Central Scotland Police Force? - That is correct.

What are your responsibilities? - I have the responsibility for the training and supervision of operational firearms officers.

Are you a firearms instructor yourself? - No, I am not.

You are supervising that operation? - Yes.

Have you anything to do with the selection of suitable officers to be firearms officers? - Yes, I do.

What are your duties there? - Well, anyone who wishes to become a firearms officer is first and foremost a volunteer. They apply seeking to join the Firearms Unit of the Force. The initial paperwork is processed by myself at all stages and comes back through myself.

Who actually makes the decision that they should be given the duty of a firearms officer? - At the end of the day it is a matter for the Chief Constable and he has powers to delegate.

Who does he principally rely on for advice on an officer, as to which officers should be selected? - Once everything is completed, every one of the supervisory officers of that officer must submit comments as to the suitability of the officer for that role.

How important is your role in deciding which ones are the appropriate ones? - I have to collate all the information and make sure nothing has been missed out and highlight any matters which I feel are relevant which may preclude that officer being considered for firearms, and to maintain checks for the duration of the time the officer remains in the Firearms Unit.

You'll appreciate I am asking these questions to see if there is something to be learned from the way in which the police go about deciding who/

who should bear arms in the Force? - Yes.

With a view to comparing it, I suppose, with the approach to members of the public? - Yes.

Can we look at R35 which is a questionnaire. Is that a document completed in respect of each officer who wishes to be a firearms officer? - That is correct. It is the initial form which starts off the officer as a firearms officer.

Now, it goes into a lot of personal detail on the first page including marital status, whether divorced, whether right or left handed, whether the applicant wears spectacles or contact lenses, why he wears spectacles or contact lenses, and whether he suffers from any hearing deficiency? - That is correct.

There is consent sought for eyesight and hearing tests? - That is correct.

A question about drugs, being examined for hay fever? - That is correct.

Whether he is a smoker or non-smoker? - That is correct.

Experience with the Forces or any organisation where he might have used weapons in the past? - That is correct.

Information about marksmanship skills and tactical firearms experience? - That is correct.

And then there is question 23, "Have you discussed this application with your partner, spouse or family"? - That is correct.

And then, "Have you considered that an additional strain or stress may be imposed on your domestic situation if you become involved in armed operations"? - That is correct.

There is an obvious difference between the potential duties of an armed police officer and the things that are done by marksmen as part of his leisure or sporting activity. Can you tell me what in particular it is that you have to try and find out about a person who may use firearms with these questions?/

questions? - These officers are in a fairly unique position, sir, and the use of firearms by the police is a last resort when all other avenues have failed. We are authorising officers, knowing full well that there is a distinct possibility that at some stage while they are firearms officers they may require to fire their weapon at another human being, which is totally different to licensing a gun for other people.

But/

3.50 p.m.

But you have obviously decided that not every police officer ought to have this authority?

- That is correct.

So what is it that you are looking for in the individual police officer before he gets authority? - Maturity, stability, responding well under pressure and able to work as part of a team which is essential from the firearms point of view and that none of these things change at any time when he remains a firearms officer.

If a person gets authority to bear arms at times in the course of their police service, do you do anything to monitor the continued stability and reliability of such a person? - Yes.

How do you do that? - There are several ways. On his or her annual staff appraisal the supervisors must draw to attention any matter which might affect that officer's ability to carry on as a firearms officer so that comes through in their annual appraisal. The firearms officers themselves are seen regularly by the instructors who will comment on anything which they think is affecting that officer. The officers themselves are duty-bound to notify any matter which may affect their continuing as a firearms officer. For example, marital difficulties, financial difficulties, anything which means they are not able to concentrate 100 per cent on what they are doing and their supervisors are duty-bound to report similarly.

When the initial form is completed and you are collating information in the way you described, what other officers who have contacted the applicant do you get reports from? - From the Sergeant or if it is the Sergeant that is applying, the first one would be from an Inspector. From the local or Sub-Unit Commander who can be an Inspector or a Chief Inspector and Chief Superintendent in charge of operations. The form also goes to the Director of Human Resources to check if there is anything in that officer's personal record which would debar the officer from becoming a firearms officer or might cause concern.

What/

What gets into their personal record? - Virtually everything.

Well, can you give me examples of things that we might not readily assume would be in the personal record of a police officer? - Anything they get into trouble on outwith the police service, problems marital, financial or anything like that.

Intelligence? I mean, is this intelligence on police officers? - It is exactly what it says. The personal record is the personal history of their career as a police officer. That is exactly what it is.

Does that lead to information in the form of intelligence that other officers might actually submit in relation to a colleague or does it not work that way? - Other information officially put in by supervisors, yes, in regard to that officer. It also goes as a check to our Complaints and Discipline Department because if that officer has a complaint pending against him or her at that particular time then there is no way that they are going to be able to concentrate on firearms.

Do the officers who are asked to comment on the applicant give their account in narrative form or do they themselves answer a questionnaire? - It is part of this initial form initially and they complete the relevant section.

So we have the assessment by Sergeant at No. 26?  
- That is correct.

Assessment by local Sub-Unit Commander at 27? -  
That is correct.

And the Chief Superintendent's comments under that? - That is correct.

And then we have various searches carried out into his record, complaints and discipline and previous staff appraisal, is that right? - Yes.

And then your paragraph 29? - That is correct.

And/

And then the decision whether it is to be recommended or not or reviewed in due course? - That is correct.

Now, what do you expect the supervising officer to actually tell you about in these comments? - The maturity of the individual concerned and they must state whether they consider that that officer is worthy of considering recommending for training.

Is there anyone else in your Department considers the application along with you? - I consult with the firearms instructors.

What about higher up the scale than yourself? - My Chief Superintendent.

You discuss it with him? - Yes.

But is it you who actually makes the recommendation to the Chief? - No, I give them my recommendation but the decision is his delegated from the Chief Constable.

What about training thereafter for the officers? - There is considerable training which is ongoing all the time so that the officers are being seen virtually every other week so that we can see if there is any change in their make-up.

Well, how important is their being seen by other either training officers or colleagues on a range on a regular basis? - Very important.

What do you learn from that? - How they are responding under stress because the levels that they have to achieve to maintain their authorisation as marksmen are very high.

How often do they go to the range? - It depends on the skill that they possess. Training can vary up to as much as 33 days in total per year.

Do you have no minimum requirement? - There is a minimum requirement, yes.

Do you know what that is? - It is three refresher courses per year plus re-qualification/

qualification which means in addition to that they must re-qualify.

At the refresher courses are you able to see how they are performing? - Yes.

Are most of the officers also marksmen for leisure or sporting purposes or is there not a pattern to that? - There is not particularly any pattern to that.

Do officers lose this authority readily? - Yes.

Or when they have got it is it easy to hold on to? - No. They must maintain standards continually.

Do you find that you regularly have to remove officers from these duties? - Bearing in mind that the officers are volunteers themselves, as soon as an officer does not want to take any further part in firearms then when they say they want to leave that is them left.

But of course they are only volunteers in the sense that they are willing. You are the person or your Chief Constable is the person with the decision to make about whether their services are retained as firearms bearing officers? - Yes.

Now, are decisions taken from time to time that a person can no longer be allowed to remain in that position? - Yes.

Can you look please at R37? Now, here we have a series of extracted material. What has that been taken from? - The Police Manual and Guidance to the Use of Firearms.

Is that a nationally-used Manual? - It is.

Is it confined to Scotland or the United Kingdom? - It is the National UK Instructions to Chief Police Officers in England and Wales with a Scottish Revision.

Now, the sections that have been extracted to form this Production relate to what? - Selection/

Section and training of firearms personnel.

Now, the first page is really concerned with monitoring the performance when on duty? - That is correct.

And there is then Chapter 2 dealing with "Minimum Standards for Authorised Firearms Officers, Selection Criteria and Safety Factors"? - That is correct.

And I think selection is Chapter 2.2? - It is.

And there are a number of factors mentioned there as important in this, including "Motivation and Interests"? - That is correct.

"Temperament, Maturity and Personality"? - That is correct.

"Relationships with Colleagues and Supervisors"? - That is correct.

And then there is a section dealing with "Quality of Initial and Refresher Training", is that correct? - That is correct.

Can I take it then that the approach which you have outlined taken by Central Scotland Police is the approach taken nationally to the selection of suitable persons to hold firearms from time to time in the course of their duty? - That is correct. These are the minimum standards to be applied.

CROSS/

CROSS-EXAMINED BY MR. CAMPBELL: Do I understand correctly that the general idea behind the various tests and investigations which you have outlined is to assess the character and personal attributes to any applicant for the position of Firearms Officer? - That is correct.

Because it is appreciated amongst other things that a firearm is a lethal weapon? - That is correct.

So it is important that a legal weapon of that nature is not given to an unsuitable person? - Yes.

So it is not enough for the officer to demonstrate technical competence or accuracy as a marksman? He must display other appropriate personal qualities? - No, it is not enough just to display marksmanship. He or she must be the right type of person.

And do I understand correctly that having become a firearms officer that the officer submits himself to in effect ongoing continuous assessment? - He does or she does.

Amongst the checks is there a check to determine whether or not there is an relevant complaint or disciplinary record relating to the applicant? - Yes, that is part of the checks.

What if an officer is currently the subject of a complaint? Would that at least delay his application until that matter is resolved? - If he was just applying to start that would delay the application. If he was already an authorised firearms officer it would result in a temporary withdrawal of his authorisation. In other words, he would not be used operationally.

Is there a minimum period of time of police service before an officer can apply for this position? - Four years.

Supposing a review for example revealed that the applicant had been to blame in a road traffic accident. Would that be relevant? - It would be relevant if that officer was suffering personal guilt because of that road accident, yes. Yes, /

Yes, that would be relevant.

But not if he was not suffering personal guilt? - Each incident would be taken on its own merit and considered as to how it would affect the officer because we are looking to protect that officer as well.

So it is the sort of thing that might be relevant? - Yes.

Do I understand correctly from what you have been saying that having become a firearms officer, that officer may be either suspended completely or subject to interim suspension from time to time in appropriate circumstances? - Yes, that happens frequently.

A change in domestic circumstances? - That is correct.

If your wife left you or your husband left you, something of that nature? - Well, I don't think your mind is liable to be on your work and bearing in mind in these circumstances firearms are the last resort, we do not want anyone out with a firearm in these circumstances.

So a whole variety of domestic circumstances, serious illness in the family or divorce and the like? - That is correct, yes.

Presumably also any illness or medical condition relating to the officer himself or herself might be a cause for suspension? - Yes, and they must submit themselves to an annual medical.

Suppose colleagues came to the view that the officer was behaving oddly or there was some deterioration in his personal performance. Would that be relevant? - If there was any doubt at all I would have no hesitation in recommending a temporary withdrawal until we sorted out whether it was right or not.

So safety first? - Absolutely. They are in a unique position.

Is there an obligation on an authorised firearms officer to report himself any change in circumstances/



circumstances which might be relevant? - There is.

Are persons such as yourself provided with guidance as to how to go about assessing applicants? - Yes, in the use of experience.

Is there, apart from the documents which we have seen, written guidance or documentation relating to the assessment of an applicant and ongoing assessment? - The main items are the minimum which were laid down in the manual. We actually have higher than that in our own force orders.

Sorry, can you tell me again what you are referring to? - The minimum is what is laid down in the manual of Guidance. Each force can apply their own level as long as it is above that minimum, again bearing in mind it is safety first all the time.

Is there any Guidance as to what might be described as contra-indicators? - That would come through their own workmates or their supervisors. Acting out of character, anything like that would be enough to raise a doubt which would result in temporary withdrawal so that an investigation can be made.

So any aggressive tendencies would be a contra-indicator? - Yes.

What about things that might be regarded as extremist views? For example, towards race or religion? - I think that would result.....I am quite positive that would result in a temporary withdrawal of authorisation until a full investigation could be made.

And in a case where somebody occasionally lost self-control or their composure? - That would result in temporary withdrawal for a full investigation. As I say, they are in a unique position and we have to make sure it is correct.

Suppose I was a police officer of five or six years' service and I joined a gun Club and became an enthusiast in firearms and indicated that I wanted to become a firearms officer principally because of my interest in firearms. What would your/

your approach to that application be? - You would still be subject to the same strict procedures as anyone else wishing to become a firearms officer but the fact you are in a gun Club is not automatic.

The fact that my principal reason for wanting to become a firearms officer because of my enthusiasm for firearms would not rule against me in any way? - Yes, it would. They are asked to say in the form why they want to become a firearms officer and I would have grave doubts about anyone who said they wanted to become a firearms officer because they enjoyed using guns. Guns are still the last resort as far as I'm concerned and I would raise that as a grave doubt.

There is obviously a very considerable body of experience and expertise in firearms in persons such as yourself and others like you and firearms officers in the force but has any consideration ever been given to using these resources in the context of civilian applications? - Not from my side. It is purely police response in firearms which is the function which I serve.

Just one last matter. If I was an authorised firearms officer in the police force, would I be allowed to take my weapon home? - No.

Why not? - Because you would then require a firearms certificate, your own, and the weapons belong to the police and I think it would be rather remiss of us to allow these weapons to go outwith our care and protection and into the Community.

Even/

4.10 p.m.

Even an authorised firearms officer must hand in his weapon to the firearms armourer? - Check in and check out.

CROSS-EXAMINED BY MR. GIBB: One point: In Section 2 of the application there is a requirement for a supervisory officer to complete an assessment and among the other things he has to encompass such issues as general temperament, stability and relationship with colleagues and supervisors? - That is correct.

The only equivalent we have on the firearms application for a member of the public is the counter-signatory -- in fact, now no longer needed -- and simply one is dealing with it in a negative way, if that person knows of good reason why the applicant should not be permitted to possess a firearm. Do you think that general temperament, stability and relationship with their peers are important considerations in assessing those to hold firearms? - I think the two disciplines are very different. We are looking for a certain type of individual in the certain knowledge that they may have to use that weapon against another human being and therefore we have to be ultra-cautious about getting that right. In terms of the general public, we are not receiving firearms and firearms certificates for anything other than competitive shooting or for sporting purposes. I think the two disciplines are very much removed from each other.

Would I not be entitled to know as a member of the public that anyone who was applying for a firearms certificate had a temperament which was suitable and had personal stability and appeared to have a reasonable relationship with his or her peers? - I don't know how you would find out that information, sir.

Well, what about, for instance, on each renewal a confidential report from the secretary of any gun club this person was a member of. Would that be a way of dealing with this particular question? - It wouldn't solve the question of the person who is shooting for sporting purposes on land.

It/

It may not do that, but what about the gun club? Is there something to be said for a confidential report to show (a) that someone is using a gun for which they have authorisation and (b) that they continue to be of suitable temperament to hold a firearm?  
- I don't know if the secretary of a gun club would be qualified, a qualified person to talk about someone's temperament.

I am just trying to think of something.....? - In fact, he may not see that person a lot really.

Well, if he doesn't see that person he reports that he is not in a position to assess therefore that is taking the matter.....?  
- I honestly don't know that he would be in a position to do that.

No re-examination.

Adjourned until tomorrow at 10 a.m.

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